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# United Nations Office for Partnerships

## Report of the Secretary-General

*Summary*

The present report is submitted pursuant to General Assembly decisions 52/466 and 53/475, wherein the Secretary-General was requested to inform the Assembly, on a regular basis, about the activities of the United Nations Fund for International Partnerships (UNFIP).

Based on the success of the UNFIP model of grant making and programme management, in 2005 the United Nations Democracy Fund (UNDEF) was created under UNFIP management and administration. In addition, owing to the success of UNFIP partnerships activities and Robert E. Turner's philanthropic donation which paved the way for increased private sector engagement in United Nations causes, there has been an increasing demand for partnership advisory services by the Organization, State and non-State actors. This has led to the evolution of the United Nations Office for Partnerships, which manages UNFIP, UNDEF as well as Partnership Advisory Services and Outreach. The present report provides information on the activities in the three areas. It supplements the information contained in the previous reports of the Secretary-General (A/53/700 and Add.1, A/54/664 and Add.1-3, A/55/763 and Corr.1, A/57/133, A/58/173, A/59/170, A/60/327 and A/61/189).

Regarding UNFIP, a total of $191.2 million was programmed for 2006. Broken down by programme area, the grants were distributed as follows: children's health, $180.5 million for eight new projects; population and women, $3.2 million for three projects; environment, $1.0 million for six projects; peace, security and human rights, $0.1 million for two projects; and $6.4 million for five projects outside the four focus areas. Since the partnership between UNFIP and the United Nations Foundation was launched in 1998, a total of $994.4 million has been programmed.

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Regarding UNDEF, a total of $36 million was programmed for 125 projects, distributed as follows: civic education, electoral support and political parties, $10 million for 35 projects; democratic dialogue and constitutional processes, $9.8 million for 32 projects; civil society empowerment, $5.2 million for 22 projects; accountability, transparency and integrity, $5.8 million for 20 projects; human rights and fundamental freedoms, $3.1 million for 11 projects; and access to information, $2 million for 7 projects.

The successful partnership between UNFIP and the United Nations Foundation has provided a number of useful models for engaging non-State actors. Lessons learned through this partnership have helped the United Nations Office for Partnerships to serve as a gateway for new alliances and partnerships for the United Nations system to work more effectively with the private sector and civil society. In 2006 the Office handled almost 500 inquiries from the private sector, non-governmental organizations, and foundations wishing to collaborate with the United Nations system.

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# I. Introduction

1. In his previous report (A/61/189), the Secretary-General concluded that the United Nations Fund for International Partnerships (UNFIP) had become the facilitator for new partnerships and alliances with the private sector, foundations and civil society organizations, building on the role of UNFIP as the interface with the United Nations Foundation. It is further recalled that the Secretary-General informed Member States about the establishment of the United Nations Democracy Fund (UNDEF) and its placement within UNFIP. The institutional experience of UNFIP in administering projects and in dealing with implementing agencies and civil society provided a ready-made model for the Fund.

2. Thus a United Nations Office for Partnerships evolved, managing the following three areas: UNFIP; UNDEF; and Partnership Advisory Services and Outreach.

3. The United Nations Foundation and UNFIP continue to collaborate on innovative ways of mobilizing resources for United Nations causes, addressing global problems through public-private partnerships. As the high-level interface with the United Nations Foundation, UNFIP manages grants and related activities.

4. The United Nations Democracy Fund attained full operational status as a Trust Fund in 2006. At its first Advisory Board meeting in March 2006, the Board recommended funding 125 projects at a total value of $36 million for democracy-building projects, focused on civil and political rights, voters' education, political party capacity development, and strengthening participation of women in political processes. The Democracy Fund supports such activities in democratic governance in some 80 countries.

5. These two functions (UNFIP, UNDEF) underpin the Office's third function: Partnership advisory services and outreach to the United Nations system, State and non-State actors. In line with the mandate from Member States in the 2005 World Summit Outcome (General Assembly resolution 60/1), the partnership-building activities have the twin objectives of educating the public in the work of the Organization and engaging new partners for the United Nations. Within the framework of the Millennium Development Goals, the Office aims to attract new and additional resources for United Nations programmes, with emphasis on field-based projects. The number of external inquiries received by the Office from prospective partners in 2006 reached close to 500.

# II. United Nations Fund for International Partnerships

6. The partnership with the United Nations Foundation reached significant milestones in 2006. UNFIP was established in response to Robert E. (Ted) Turner's philanthropic gift of $1 billion to support United Nations causes. The United Nations Foundation was created to disburse the funds to the Organization through UNFIP. UNFIP was to collaborate with United Nations system organizations to identify innovative, high-impact projects within the Foundation's strategic areas of focus, namely, children's health, women and population, the environment, and peace, security and human rights. From 2000, the Millennium Development Goals provided an overall framework for United Nations Foundation/UNFIP programming.

7. UNFIP projects and activities have been implemented according to guidelines issued by the United Nations Development Group (UNDG), in line with the common country assessment and the United Nations Development Assistance Framework. The agencies' rules, regulations and procedures provide the framework for administration, financial management, monitoring and evaluation of projects and activities. By 2006, United Nations Foundation allocations to UNFIP projects and activities reached the level of $994.4 million for 400 projects implemented by 39 United Nations agencies covering activities in 123 countries. The commitment by Ted Turner and his team has enabled the United Nations to benefit from the support of other donors and partners in the amount of $561 million. Moreover, the partnership with the United Nations Foundation has generated an additional $335 million of parallel contributions.

## A. Children's health

8. From inception to December 2006 the total value of the children's health programme amounted to $613.4 million. The programme promotes child survival by addressing several key preventable diseases, in line with Millennium Development Goal 4, which calls for reduction of the mortality rate of children under five by two thirds by 2015. The programme strategy is also consistent with priorities established at the World Summit for Children held in 1990.

9. Two underlying premises of the programme are:

(a) Immunizations are one of the most cost-effective preventive interventions;

(b) Strengthening countries' public health capacities and infrastructures builds upon the accomplishments of past disease-combating initiatives to launch new ones, such as the Measles Initiative.

10. More than 10 million children under the age of five die each year, most frequently from diarrhoea, pneumonia, malnutrition, measles and malaria. The children's health programme addresses select diseases through extensive prevention strategies.

11. Priority activities in the children's health portfolio include:

(a) Eradicating polio;

(b) Reducing measles mortality by 90 per cent globally;

(c) Preventing malaria through integration of activities (e.g., distribution of nets) with measles control;

(d) Supporting the Global Fund to fight AIDS, Tuberculosis and Malaria;

(e) Technological disease surveillance and data-gathering.

12. Initially, the centrepiece of the children's health strategy was prevention initiatives. These included tobacco use prevention, the community-based children's health programmes, and micronutrient supplementation.

13. While these programmes had measurable successes, none offered the opportunity to mobilize donors or achieve global impact to the level that

immunizations initiatives do; it was decided, therefore, to integrate those efforts whenever possible and appropriate with large-scale immunization activities.

**Polio eradication**

14. Transmission of wild polio virus is declining rapidly. The World Health Organization (WHO), the United Nations Children's Fund (UNICEF), the United States Centers for Disease Control and Prevention, Rotary International, in partnership with donor Governments, the Gates Foundation, and the Global Alliance for Vaccines and Immunization continue to spearhead efforts to achieve polio eradication through the Global Polio Eradication Initiative, the largest international public health effort in history. As a result, the number of countries where polio is still endemic had decreased to 30 by 2006. The public health infrastructure, particularly the cold chain and disease surveillance system, has been strengthened, favourably impacting other disease control efforts.

**Measles prevention**

15. Measles claim 345,000 lives each year — more than half of them in Asia. Measles is the single leading vaccine preventable cause of death among children despite vaccination costs of less than one dollar per child. The Measles Initiative was launched in 2001 with a long-term commitment to control measles deaths starting in Africa. Leading the Measles Initiative are the American Red Cross, WHO, UNICEF, the United States Centers for Disease Control and Prevention, and the United Nations Foundation/UNFIP. In just five years (2001-2005) the Initiative helped to reduce global measles mortality by 60 per cent, surpassing the United Nations goal of 50 per cent, by vaccinating over 360 million children. In Africa mortality was reduced by 75 per cent. Specifically, the number of global measles deaths declined from an estimated 873,000 in 1999 to 345,000. The Measles Initiative will continue to support the 47 priority countries identified by WHO and the Global Immunization Vision and Strategy goal to reduce measles deaths by 90 per cent by 2010. The focus is on the countries that account for the majority of measles deaths, particularly, India and Pakistan.

## B. Women and population

16. The total value of the women and population programme since its inception was $133.8 million as at 31 December 2006. Its objective is supporting "universal access to reproductive health services and supplies by 2015" — the central goal set by the United Nations International Conference on Population and Development in 1994. In working towards that goal, support was provided to the United Nations Population Fund (UNFPA), UNICEF, WHO, and selected non-governmental organization (NGO) partners in the following priority areas:

(a) Increasing focus on adolescent girls in the least developed countries through advocacy and investment in field programmes, with priority to Africa;

(b) Supporting the achievement by 2015 of the goal of universal access to reproductive health services;

(c) Advocating global priorities for sexual and reproductive health and rights, with a focus on combating misinformation in public debate and concerted attacks on empirical information and the scientific process.

17. To advance these priorities, activities were focused on two areas.

**Coalition for Adolescent Girls**

18. In 2006 the United Nations Foundation and UNFIP developed the Coalition for Adolescent Girls to address the issue that one in five people today is an adolescent, and 85 per cent of the more than 1 billion adolescents live in developing countries. Their choices and opportunities will determine future trends, for instance, whether world population stabilizes at 8 billion or 10 billion; the direction of the environmental future of the world; or whether the cycle of poverty is broken.

19. In 2006, the Coalition formed four working groups to focus on the priority areas of girls' education, child marriage, girls and HIV/AIDS, and increasing economic opportunities for women. Key accomplishments for the Coalition included:

(a) A partnership with the Nike Foundation: the United Nations Foundation provides staff support, strategic direction for the Coalition and a contribution of $250,000, while the Nike Foundation provides communications expertise and financial resources ($1 million);

(b) Close cooperation with the United Nations system: the United Nations Foundation and UNFIP helped create an informal United Nations working group on adolescent girls to leverage the United Nations programming by creating system-wide guidelines for adolescent girl programming and to represent a collective United Nations voice in the Coalition;

(c) Extensive outreach to more than 30 NGO partners to engage them actively in the Coalition's work. Key advisors from the Population Council, the International Centre for Research on Women, and the International Women's Health Coalition participate in at least one of the four Coalition working groups;

(d) Two research projects were undertaken:

(i) Programmatic research: identifying gaps in the current state of knowledge, key leverage points, and best practices in programming for each of the Coalition's priority areas;

(ii) Communications research: extensive focus groups and other opinion research to identify the most effective language in cultivating new partners and public engagement in the Coalition. Priority has been given to test the best approaches for engaging business and faith leaders.

**Supporting and strengthening the United Nations Population Fund**

20. As the only multilateral donor with a reproductive health focus at the country level, UNFPA is internationally recognized as the global voice for sexual and reproductive health and rights. The United Nations Foundation and UNFIP support UNFPA activities, including adoption of a new Millennium Development Goals target on universal access to reproductive health services and ensuring access to reproductive health supplies and condoms. A 2004 grant helped improve UNFPA

coordination with other commodity donors and helped build UNFPA capacity for data management and forecasting. The project generated impressive results: commodity shortages were significantly averted and gaps minimized, especially in the public distribution channels of several African countries. In 2006, UNFPA identified support for its regional advocacy efforts in Europe and Asia as the priority area where the United Nations Foundation could mobilize resources for 2007 and 2008. Commitments have already been obtained from the Hewlett and MacArthur Foundations.

## C. Environment

21. The funding priorities under environment are sustainable energy and climate change, biodiversity and sustainable development. The overall environment portfolio as at 31 December 2006 is valued at $164.6 million, of which $78.6 million is for biodiversity/sustainable development and $56.2 million for sustainable energy and climate change. The balance, $29.8 million, has been programmed in other areas.

### Sustainable energy and climate change

22. At the 2002 World Summit on Sustainable Development, energy was identified as central to development and poverty reduction as part of the Millennium Development Goals. Modern energy services are critically important to the world economy, yet more than 1 billion, mostly rural, people are not served by an electric power grid. The objective of the United Nations Foundation under this programme area is to address the urgent need for a global transition to low-carbon energy technologies, consistent with global development needs.

### The African Rural Energy Enterprise Development Programme

23. To provide energy services to the poor in Africa, the African Rural Energy Enterprise Development Programme was launched by the United Nations Environment Programme (UNEP) in 2000 with funding from the United Nations Foundation, for operations in Ghana, Mali, Senegal, the United Republic of Tanzania and Zambia. The Programme supports new sustainable energy enterprises that use clean, efficient, and renewable energy technologies while reducing the environmental and health consequences of existing energy use patterns. The Programme offers enterprise development services and start-up financing that allows local entrepreneurs to plan and structure energy companies for growth and attracts mainstream financial investors. To date, over $1.7 million in loan capital has been approved for investments in 35 enterprises that provide products such as solar electric systems and better cook stoves, serving 331,000 people and offsetting 421,637 tons of carbon dioxide annually. Approximately 80 per cent of the Programme's investments are performing according to plan.

### Promoting investment in energy efficiency

24. Based on current trends, Brazil, China and India will more than double their energy use and greenhouse gas emissions by 2030. Unlocking potential energy efficiency savings requires projects that identify and eliminate energy waste. A five-year joint UNEP/World Bank project entitled "Developing Financial Intermediation

Mechanisms for Energy-Efficiency Projects in Brazil, China and India" was completed in May 2006. The project helped financial institutions in the three countries to increase support to energy efficiency investment projects. It examined the role of energy efficiency lending windows in commercial banks, developed support mechanisms for energy service companies, explored means of increasing equity funding of energy efficiency projects, and looked at how guarantee facilities could facilitate loans to energy efficiency projects.

25. The project helped five of India's largest banks develop new energy efficiency lending programmes; assisted local banks in China to develop lending programmes for energy efficiency projects, partly financed by a $200 million World Bank loan; and demonstrated that retrofits in buildings and factories in Brazil, China and India could reduce energy use by at least 25 per cent, saving hundreds of millions of dollars while cutting air pollution and reducing greenhouse gas emissions.

**International Bio-energy Initiative**

26. The potential for the United Nations to increase awareness of the impact of modern bio-energy technologies on energy access and economic development in developing countries is unique. Building on pilot projects on biogas and energy services, the United Nations Foundation worked first with the United Nations Conference on Trade and Development (UNCTAD) to include biofuels in economic and trade policy discussions, which led to an important speech by Ted Turner to the World Trade Organization in September 2006. Since that time, the United Nations Foundation has built alliances with the Food and Agriculture Organization of the United Nations (FAO), UNCTAD, the United Nations Development Programme (UNDP), UNEP and the United Nations Industrial Development Organization in support of the United Nations Bio-energy Initiative to help countries determine their potential for domestic biofuels production and exports. The Initiative supports development of sustainable regional and national programmes for bio-energy development and seeks to ensure that bio-energy production and use is sustainable, consistent with climate strategy, and eligible for carbon credits and carbon finance.

**Biodiversity and sustainable development**

27. The priorities and objectives of the biodiversity and sustainable development programme include:

(a) Engaging the tourism industry to support sustainable tourism development in and around World Heritage sites, for example, through the World Heritage Alliance, with Expedia, Inc.;

(b) Creating market-based approaches to sustainable community-based development in high biodiversity areas and addressing rural income generation through the sustainable use of natural resources;

(c) Identifying opportunities to help ensure that local communities and biodiversity are not adversely affected in strategies to address climate change.

**Promoting the conservation of World Heritage natural sites**

28. The following examples of ongoing United Nations Foundation/UNFIP initiatives illustrate achievements of the United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Centre.

**Rapid Response Facility**

29. The Rapid Response Facility is a small grant programme that provides fast-track emergency funding to World Heritage natural sites facing an acute threat. Launched in March 2006, the Facility is a two-year pilot initiative of Fauna and Flora International, UNESCO and the United Nations Foundation, in cooperation with UNFIP, offering grants up to $30,000. The facility has received 34 applications and awarded 6 small grants, involving acute levels of poaching, post-conflict recovery of ranger capacity, anthropogenic bush fire and illegal road construction.

**Partnership for the Conservation of Sumatran Natural Heritage**

30. The vast tropical forests that are home to the orangutan, the Sumatran rhino, the Sumatran tiger, and the Sumatran elephant are protected within three national parks — Kerinci Seblat, Bukit Barisan Selatan, and Gunung Leuser — that together, form the Tropical Rainforest Heritage of Sumatra World Heritage site. The United Nations Foundation and UNFIP, in partnership with the Critical Ecosystem Partnership Fund are supporting, through the UNESCO World Heritage Centre, a concerted effort to engage local communities, municipal governments and local NGOs in finding long-term solutions. Collaborative management councils involving these stakeholders have been developed focusing on law enforcement, natural resource management and mitigation of human-elephant conflicts. Executed by the Wildlife Conservation Society, the work has also supported the Bukit Barisan Selatan park authorities in strengthening their anti-poaching work, helping with the judicial process, from evidence gathering to prosecution.

## D. Peace, security and human rights

31. Within the peace, security and human rights portfolio, UNFIP and the United Nations Foundation are focused on institutional strengthening of the United Nations and on broader initiatives that create better understanding of the Organization's role in peace, human security and development supported with small, catalytic grants. The total value of this portfolio as at 31 December 2006 was $49.5 million, comprised of 58 projects.

32. To build awareness in the United States and in peacekeeping donor countries about the vital and effective contribution peacekeeping makes, in 2006 the United Nations Foundation supported the launch of a campaign by DPKO entitled, "Peacekeeping Works". The campaign has focused on identifying peacekeeping stories from the field, developing a web-based platform for the campaign, and working with other stakeholders and potential supporters.

## E. Strategic initiatives

33. The total value of this portfolio as at 31 December 2006 was $33 million and comprised 52 projects. The projects under this heading were typically in response to a special need and provided an opportunity to contribute to a strategic aspect of the work of the United Nations and advance its causes.

34. New initiatives are envisaged under this heading that aim to take advantage of the charitable status of the United Nations Foundation under United States law.

Partnerships are being developed with interested United Nations entities that wish to tap the United States donor community to support United Nations causes. The Foundation undertakes fund-raising activities through special events or through an appeal on their webpage. Partnerships have been developed with the United Nations Central Emergency Response Fund and the International Research and Training Institute for the Advancement of Women. Agencies considering similar agreements are UNDP, UNIFEM and WHO.

**United Nations Dialogue with the Global South**

35. One success story involves the United Nations Dialogue with the Global South. Approved in 2004, the project has built partnerships for the Department of Political Affairs, the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs (OCHA) with universities and research institutions in developing countries. Partnerships were established to provide exchange opportunities with the American University in Cairo, Jawaharlal Nehru University in New Delhi, the National Autonomous University of Mexico, the National University of Singapore (Lee Kwan Yew School of Public Policy), and Tsing Hua University in Beijing and the University of the Witwatersrand in Johannesburg.

**Vodafone Group Foundation**

36. The United Nations Foundation partnership with the Vodafone Group Foundation began operations in October 2005 with a $18.3 million multi-year commitment from the Vodafone Group Foundation and a matching $9.1 million from the United Nations Foundation. In 2006 the partnership worked to support the efforts of United Nations entities to use telecommunications and technology to strengthen their missions. UNFIP served on the Advisory Committee of that initiative and played a central role in needs assessment and programme management. Besides publishing a study on the use of mobile phones to improve access to banking services, the partnership focused on the two areas discussed below.

*Strengthening disease surveillance using handheld devices*

37. In 2006, the partnership supported WHO and DataDyne to develop the first free, open-source disease surveillance programme that empowered health workers to gather health data using personal digital assistants (PDAs). WHO and DataDyne launched systems in Kenya and Zambia, and began operations in Burkina Faso.

*Strengthening emergency communications in disaster response*

38. In 2006, the partnership supported the NGO Télécoms Sans Frontières to become a worldwide standby partner for UNICEF and OCHA. Télécoms Sans Frontières now deploys rapid response telecom teams to United Nations missions everywhere in the world within 48 hours of an emergency. Télécoms Sans Frontières teams have deployed to support United Nations operations in Lebanon, the Democratic Republic of the Congo, Indonesia and Suriname. The partnership also supported: (i) the development of the World Food Programme (WFP) first emergency information and communications technology (ICT) best practices guide; (ii) the development of a new emergency ICT management training programme for

ICT officers from WFP, other United Nations agencies and NGOs; and (iii) an emergency ICT software system called EMMA (Emergency Management Mapping Application).

## III. United Nations Democracy Fund

39. The United Nations Democracy Fund was announced by the Secretary-General in July 2005. In the World Summit Outcome, world leaders welcomed "the establishment of a Democracy Fund at the United Nations". The Secretary-General tasked UNFIP to develop UNDEF into a grants-making facility to support partnerships between civil society and the United Nations aimed at the promotion of democratic values. The Fund was established on the principle that there is no single model of democracy, and that it does not belong to any country or region. A Programme Consultative Group for the Democracy Fund was created with the participation of DPKO, DPA, UNDG, UNDP, UNIFEM, the United Nations Office on Drugs and Crime and the Office of the United Nations High Commissioner for Human Rights.

40. Within the first quarter of 2006, staff was hired; a budget was approved; and project proposal and project document guidelines were drafted and agreed upon with the seven United Nations agencies in the Programme Consultative Group. A project database and a website have been developed.

41. The first UNDEF Advisory Board meeting took place on 6 March 2006 to approve the Governance and Programmatic Frameworks of the Democracy Fund.

42. The Democracy Fund launched its first call for project proposals through an innovative online application system that facilitated access to civil society organizations, while accepting fax or mail submissions from low Internet connectivity areas. A total of 1,303 applications from 131 countries (916 by civil society organizations and the rest from the United Nations, academia and Governments) were submitted within 20 working days. Resident coordinators and special representatives of the Secretary-General provided advisory notes on the applicants' standing and managerial capacity, the compatibility between the proposed initiative and the country's development priority and the willingness of a United Nations entity to act as executing agency for the NGO, in the event a grant was awarded.

43. The Office screened the proposals for eligibility. An in-depth analysis of the proposals by geographic area was undertaken by the Programme Consultative Group. The Electoral Assistance Division of the Department of Political Affairs provided support to study the proposals, establish priorities, assess the merits and rank each batch. This produced a recommendation of 180 concepts that the Advisory Board received in July 2006. The Board recommended 125 initiatives to the Secretary-General. On 28 August, the Secretary-General approved funding worth $36 million for the recommended concepts, with a special focus on gender equality in the public arena and greater participation of women. Project implementation took place based on consistency with country programmes and no-objection from Governments. Key programme areas are:

(a) Civic education, electoral support and political parties, $10 million for 35 projects;

(b) Democratic dialogue and constitutional processes, $9.8 million for 32 projects;

(c) Civil society empowerment, $5.2 million for 20 projects;

(d) Accountability, transparency and integrity, $5.8 million for 20 projects;

(e) Human rights and fundamental freedoms, $3.1 million for 11 projects;

(f) Access to information, $2 million for 7 projects.

44. The Office is developing a monitoring and evaluation strategy to measure impact and has reserved 10 per cent of each grant for evaluation.

45. To support the first round funding recommendations, the Office organized four additional meetings of the Advisory Board, and parallel meetings of the Programme Consultative Group. At the second meeting, on 18 July 2006, the Board agreed to recommend 125 projects to the Secretary-General for approval. At the third meeting, on 12 December, the Board reviewed progress in project implementation and guidelines for monitoring and evaluation. In April 2007, the Board reviewed lessons learned in the first year of operations and considered how to proceed to the second funding round. The four meetings of the Programme Consultative Group were held on 24 March, 21 June and 14 August 2006 and on 12 January 2007.

46. The Office worked to increase the resources of the Democracy Fund and convened two well-attended donor meetings on 1 May and 11 October 2006 to inform donors of its activities and seek guidance on strategic matters. At the World Summit, a total of 17 Member States pledged some $42 million. In 2006, Denmark, Georgia, Ireland, Lithuania, Mongolia, Peru, the Republic of Korea, Spain and Sweden made first time contributions to the Democracy Fund.

47. The Office has developed partnerships with Member States, NGOs and think tanks. A dialogue on democracy promotion strategies was organized in New York on 18 July 2006, a dialogue on democratic transitions was sponsored by the Hungarian Government in Budapest on 23 and 24 April 2007. The Government of France offered to debate on democracy and human rights in side meetings at the Human Rights Council in 2008, and the Government of Benin is considering an international symposium on the "Alternance Démocratique", the impact on young democracies of the succession of (democratic) Governments in early 2008.

48. Contacts have been made with a number of think tanks and organizations, such as the National Democratic Institute for International Affairs, the International Republican Institute, Internews, National Endowment for Democracy, Freedom House, Carnegie Endowment for International Peace, and others. Initial relationships with the Toledo International Center for Peace, the Democracy Coalition Project, the Ford Foundation and the International Crisis Group have also been established. The Brazilian "Conectas Human Rights", has initiated the process of networking UNDEF grantees with a view to exchanging experiences and expertise to explore possible cooperation.

49. Support is being provided to both — the Community of Democracies and the International Conference of New or Restored Democracies processes. Contacts have been maintained with a number of regional organizations, such as the Organization of American States and the European Commission.

50. UNDEF has established strong links with the African Union, the League of Arab States and the Organization for Security and Cooperation in Europe (OECD) for future consultations and collaboration. Briefings were organized for parliamentary delegations from Canada, India, Spain, the House of Commons of the United Kingdom and the European Parliament. A briefing was organized for the Group of Latin American and Caribbean Countries and similar briefings were suggested for other regional groups: the Francophonie at the proposal of France, the European Union Member States under the Presidency of Germany and the Eastern European cluster upon the invitation of Hungary.

51. Within the United Nations, numerous contacts and meetings have been held to establish working relationships that provide for mutual support. The Democracy Fund worked with the Codification Division of the OLA to contribute to the report of the Secretary-General on the rule of law. The Democracy Fund met with the UNESCO Extra-budgetary Resources Mobilization Office to discuss support to UNESCO media and civic education work. The Democracy Fund collaborated with the Department of Economic and Social Affairs in the preparatory work of the seventh Global Forum on Reinventing Government, where UNDEF will co-host with the Inter-Parliamentary Union (IPU), the International Foundation for Election Systems (IFES), and the International Institute of Democracy and Electoral Assistance (IDEA) a workshop on parliamentary and electoral systems and where the Chair of the UNDEF Advisory Board will address the plenary session. The Democracy Fund and the United Nations Trust Fund for Human Security have met to discuss best practices and to explore how human security and democracy can be linked in practical programmatic terms. The Executive Head of the Democracy Fund met members of the UNDP Civil Society Organizations (CSO) Advisory Committee on 21 March 2006 to exchange information on outreach to civil society. Meetings were held with the Electoral Assistance Division of the Department of Political Affairs to establish common procedures for the analysis of and support to elections-related projects. Country-focused meetings were held with the Special Representatives of the Secretary-General for Timor Leste and Guinea-Bissau.

52. In the biennium 2006-2007, the Democracy Fund attended meetings organized by strategic partners, including the Africa Governance Forum, the World Alliance for Citizen Participation (CIVICUS) World Assembly, the Sixth International Conference of New or Restored Democracies, the IPU Annual Assemblies, the Council of Europe Forum for the Future of Democracy and the OECD-Development Assistance Committee Network on Governance. Collaborative agreements have been signed with the Club of Madrid, the Centre for Democratic Control of Armed Forces, IDEA, and the Institute for Democracy in South Africa, IFES, IPU, Conectas Human Rights, the Southern African Development Community Parliamentary Forum, Interpeace, and International Centre for Democratic Transition and the Latin American Faculty of Social Sciences.

53. The Democracy Fund's website contains news from Member States that relate to the debate on democracy building and democracy assistance, a monthly update on its activities and updated information on contributions, outreach and partners. It includes "News from the Field" which portrays progress and challenges of the UNDEF-funded projects worldwide. The Democracy Fund has quickly become a recognized voice on democracy at international forums. Secretary-General Ban Ki-moon stated at the UNDEF fourth Board meeting that "in a relatively short period, it has become a hub for the United Nations democracy agenda".

# IV. Partnership advisory services and outreach

54. The General Assembly, in the 2005 World Summit Outcome, recognized the importance of partnering with civil society and urged Member States "to enhance the contribution of non-governmental organizations, civil society, the private sector and other stakeholders in national development efforts". UNFIP and the United Nations Foundation have worked together to achieve that goal.

55. With the encouragement of the United Nations Foundation, the United Nations Office for Partnerships works to strengthen the Organization's expertise and capacity to engage corporations, foundations and individuals in United Nations causes and support the United Nations system in its advocacy and outreach efforts through partnership building.

56. The Office for Partnerships serves as a gateway to engage corporations, foundations and civil society to help achieve United Nations goals, especially the Millennium Development Goals. The expertise of the Office, which provides advice to United Nations entities as well as to external organizations, is in the following areas:

(a) Screening of internal and external inquiries;

(b) Provision of advice on United Nations procedures and best practices;

(c) Design of programmes and projects;

(d) Establishment and, in some cases, management of global and regional networks;

(e) Development of creative financing mechanisms.

57. The 2005 World Summit Outcome proved to be the catalyst for partnerships with many internationally active private enterprises. Companies large and small have approached the Office to offer services or financial support to the United Nations or to seek advice on how to engage in practical ways to find sustainable solutions to some of the world's most challenging and often intractable problems. Although most of the grant-making of private and corporate foundations is concentrated in the largest emerging economies, the Office has seen a steady increase in the expressions of interest for partnering in United Nations-led poverty reduction, disaster prevention and environmental programmes, as well as disaster relief and humanitarian assistance, in the least developed countries.

## A. Partnership advisory services

58. The Office handled almost 500 inquiries from partners, NGOs, and foundations to explore possible collaboration with the United Nations system, including the following: Aflatoun Child Savings International, Aga Khan Foundation, Amnesty International USA, Clinton Global Initiative, Conscious Management Scandinavia, Dubai School of Government, European Foundation Centre, Franklin and Eleanor Roosevelt Institute, Foreign Policy Association, Bill and Melinda Gates Foundation, Google.org, International Business Leaders Forum, International Ultralight Technology Foundation, Mandela Institute, Medical Knowledge Institute, Nestlé, Pfizer, Save the Children, Scojo Foundation, Singapore

Trade Commission, Standard Chartered Bank, Universal Education Foundation, United States Chamber of Commerce and the Women's Foreign Policy Group.

59. During 2006, the Partnership Office provided technical assistance to small and medium-sized United Nations entities, expanding their outreach to private funders and corporate partners. With support from the Office, the United Nations Office on Drugs and Crime has engaged in dialogue with a major corporation for a partnership on cybercrime. The Office for Partnerships has been assisting the UNODC in building partnerships and public advocacy related to anti-trafficking of human beings. The Office also initiated discussions with UN-Habitat and UNIFEM about building partnerships in support of their programmes and thematic trust funds.

60. Examples of work during 2006 with the private sector, foundations, civil society organizations and with the United Nations system are discussed below.

**Cariplo Foundation**

61. In partnership with the Fiorello H. LaGuardia Foundation, the Office developed a strategic alliance with the Cariplo Foundation to set up a facility in Italy that will provide support and facilitation for engagement of Italian foundations in the work of the United Nations, with particular focus on joint funding of projects on the ground.

**Committee Encouraging Corporate Philanthropy**

62. The Office serves on the Committee Encouraging Corporate Philanthropy Excellence Awards Selection Committee. Other members of the Committee include representatives from the General Electric Foundation, Fortune Magazine, Foundation Strategy Group, Novartis Foundation for Sustainable Development, the Pfizer Foundation, Venture Philanthropy Partners, McKinsey & Company, Jumpstart and the Target Foundation.

**Commonwealth Business Council**

63. The Office has developed a collaboration with the Commonwealth Business Council, including working on a partnerships arrangement on the Council's campaign entitled "Linking Africa", which aims to support the goals of the African Union and the achievement of the Millennium Development Goals by creating the first detailed continent-wide economic profile and database on a country-by-country basis. The Council has also proposed the creation of a global business council in partnership with the United Nations.

**Dow Chemical**

64. The Office co-hosted an event at United Nations Headquarters on 25 June 2006 to present the 2015 Sustainability Goals for Dow, a multi-faceted programme to address some of the most pressing economic, social and environmental concerns facing the global community, reflected in the Millennium Development Goals. As a result of this collaboration, Dow is sponsoring the Blue Planet Run, an endurance run across many countries to raise funds and awareness of the need to bring safe drinking water to 1.2 billion people. The first Blue Planet Run was launched at United Nations Headquarters in June 2007.

**Education Development Center**

65. The Office collaborated on the Power Users of Technology initiative of the Education Development Center, which gathers new knowledge about power users, their interaction and relations with technology and its impact on their career, life choices and roles. It is in regular contact with the Center and has facilitated the Center's engagement with the Universal Education Foundation.

**European Foundation Centre**

66. The Office introduced United Nations entities to the European Foundation Centre — an umbrella organization of over 500 European foundations. Having joined the Centre's Programme Committee in 2003, the Office has organized panel discussions on the Millennium Development Goals, facilitated high-level United Nations participation at the Centre's annual conferences, such as the United Nations Deputy Secretary-General's keynote speech at the 2004 annual conference. The Office also secured adoption of the Millennium Development Goals by the International Committee of the European Foundation Centre, as part of the Centre's agenda to get involved with global problems and challenges outside of the region. In 2005 the Office organized and chaired a session on the theme "The United Nations at 60: is it ready to reform? What is Europe's role?" This presence over the years has facilitated a closer relationship with leading European foundations.

**Fletcher School of Law and Diplomacy at Tufts University**

67. The Office provided briefings to students at the Fletcher School and explored opportunities to work together on developing online educational compendia for internet access ("Open University").

**Global Hand**

68. The Office worked with the NGO Global Hand, together with the United Nations Global Compact office and OCHA to develop a new portal on the website www.un.org for the private sector wishing to support the United Nations by donating Funds, expertise or equipment to United Nations entities.

**Goldman Sachs**

69. The Office developed a network of young Wall Street executives with interest in supporting United Nations causes, specifically programmes involving youth and microfinance.

**Google.org**

70. The Office was the first point of contact for Google.org and has facilitated numerous initiatives between Google.org and the United Nations including with OCHA, UNDP, WHO, as well as the United Nations Foundation. The Executive Director of Google.org has committed to support programmes in the health sector and on climate change.

**Greater Tumen Initiative**

71. Since November 2005 the Office has provided advice to the UNDP-led Greater Tumen Initiative on the establishment of a Business Advisory Council for the

Greater Tumen Region. The Office has developed a concept for a Business Advisory Council to bring new investments to the region in the areas of, inter alia, energy, tourism and transport.

**International Council for Toys Industry CARE Process**

72. The Office has been advising the International Council for Toys Industry CARE (Caring, Awareness, Responsible, Ethical) Process — the international toy industry's ethical manufacturing programme, aimed at ensuring safe and humane workplace environments for toy factory workers worldwide — on United Nations collaboration.

**International Initiative on Non-food Crops**

73. Working with Kent County Council, Imperial College, and Lees Court Estate, the Office provided advice on the establishment of an International Initiative for Non-food Crops, and ensured that FAO, UNEP, UNDP, inter alia, became collaborators. The long-term vision is that a significant proportion of demand for energy and raw materials should be met through the commercial exploitation of crops grown scientifically to stimulate innovation, strengthen the rural economy, enhance biodiversity, leading to reduced greenhouse gas emissions and waste, particularly biodegradable waste going to landfill, and slower depletion of finite natural resources.

**Louise T. Blouin Foundation**

74. The Office provided advice in programme development and engagement of the United Nations in the Global Creative Leadership Summit, hosted by the Louise T. Blouin Foundation in New York City in 2006, which brought together leaders in business, technology, government, science and the arts, to provide insights that will have practical implications for problem-solving across disciplines. The chairman of the Louise T. Blouin Foundation is dedicating the Foundation's efforts to United Nations causes.

**Microsoft**

75. The Office introduced Microsoft to various United Nations entities. A number of partnerships have been developed including: Unlimited Potential; Partners in Learning; and the Software Donation to NGOs Programme, a national pilot that Microsoft is considering launching on a global basis.

**Regional Centre for Partnerships in the Middle East and North Africa Region**

76. The Office developed a proposal for the establishment of a Regional Centre for Partnerships in the Middle East and North Africa Region — a joint initiative of the State of Qatar and the United Nations to promote multi-stakeholder partnerships, and serve as a centre of excellence for training, within the region.

**Synergos Institute**

77. The Office has developed a strategic alliance with the Synergos Institute to advise members of their Global Philanthropists Circle, on the most effective ways to collaborate on United Nations projects globally. The Office also works with the

Institute's multi-stakeholder partnerships section to explore ways to bring the United Nations into its activities.

**United Nations International Crime and Justice Research Institute**

78. The United Nations International Crime and Justice Research Institute (UNICRI), in Turin, Italy, requested advice on securing partnerships for an extensive research project on combating terrorism. The Office facilitated collaboration with the Nuclear Threat Initiative which resulted in a grant to UNICRI of $50,000 that provided much needed support from a region outside Europe. Currently advice is being provided to UNICRI on creating an advisory board to reach out to civil society.

**World Diversity Cup for Peace**

79. The Office has been advising on United Nations engagement for this annual youth soccer tournament featuring boys and girls diversity teams, for example, Catholics and Protestants from Belfast, Northern Ireland, selected in conjunction with the mayors of the world's largest cities.

## B. Outreach

80. The Office for Partnerships provides a unique platform for outreach and advocacy focusing on raising awareness of the work of the United Nations and on identifying new partners to support achievement of the goals of the Millennium Declaration. The Office benefits from the leadership of the Department of Public Information. It participates in numerous dialogues with the private sector and civil society. Some examples are discussed below.

**Alliance Towards Harnessing Global Opportunities**

81. In 2005 and 2006, young professionals and students came together at the Alliance Towards Harnessing Global Opportunities youth symposium to exchange ideas about how to reach the Millennium Development Goals by 2015. The Office supported the event and delivered keynote speeches at both symposiums.

**Bending the arc**

82. In September 2006, the Office co-sponsored a conference on the theme "Bending the arc: the business of attaining the Millennium Development Goals in Africa" which included representatives from the New Partnership for Africa's Development secretariat, the African Business Roundtable, civil society and the private sector.

**Collaboration on a United Nations documentary**

83. The Office collaborated with film director Romuald Sciora on a series of short documentaries examining the leadership and accomplishments of the last four Secretaries-General of the United Nations as well as on a full-length documentary capturing the larger picture of the Organization today and in coming years.

84. Related to this documentary, the Office is collaborating with Mr. Sciora, the Department of Public Information and Marvel Comics to create and distribute comic

books featuring the work of the United Nations to over a million children throughout the United States.

**Microsoft CEO Summit**

85. The Office participated in the annual Microsoft CEO Summit, which brings together over 100 chief executive officers from the world's top companies to discuss emerging social, political, economic, technological and demographic trends. This presented an opportunity to discuss strategies for addressing global problems and present some of the activities of the United Nations.

**Our common humanity**

86. The Office was a key partner to an event, entitled "Our common humanity in the Information Age: Principles and Values for Development", held in November 2006, organized by the Department of Economic and Social Affairs, and facilitated the participation of actress Julia Ormond, Google Chief Executive Larry Brilliant, and philanthropist Louise Blouin MacBain.

**United States Chamber of Commerce**

87. The Office has also supported the development of a partnership between the United Nations and the United States Chamber of Commerce. The Chamber engages United States companies on development issues, including human rights. The Office co-hosted two conferences in 2006 on the theme "The role of the private sector in international aid and development" with the Chamber's Business Civic Leadership Center, one of which was held at United Nations Headquarters.

# V. Lessons learned

88. The successful partnership between UNFIP and the United Nations Foundation, now in its ninth year, has provided some useful models for engaging non-State actors. Moreover, it has enabled the United Nations Office for Partnerships to become a gateway for new alliances and partnerships for the United Nations system to work more effectively with the private sector and civil society. The UNFIP experience was also beneficial in setting up the United Nations Democracy Fund. At the same time, there are some valuable lessons to be learned, which are summarized below.

**United Nations Fund for International Partnerships**

89. Experience has shown that there is sometimes a gap between expectation and reality, both on the part of the United Nations system and donors. There is also a need to take into account different cultures of stakeholders. In this regard, agreeing on common goals and a shared vision is crucial for successful partnerships.

90. Relationship and knowledge management is a challenge even when all parties are committed and enthusiastic. Successful partnerships should allow for open communication as well as regular dialogue with all stakeholders.

91. Implementing entities and potential partners have highlighted the need for simplified administration and management of grants. The United Nations system

could benefit from developing fast-track implementation procedures without compromising on accountability.

**United Nations Democracy Fund**

92. The assessment role of the United Nations country teams has proven a useful tool to ensuring the relevance of projects proposed. The Fund intends to put in place streamlined procedures to facilitate thorough assessments at the national level.

93. Partnering with unknown local NGOs with possibly weak management systems could impact the results. Uniformed criteria for partner selection are key to ensuring adequate managerial capacities of the grantees.

94. Sharing information on project management and administrative operations regularly with the Advisory Board as well as clear communication in both directions is crucial for transparency and knowledge management. Detailed information on the UNDEF budget, the budget performance and grants disbursement could also be posted on the website.

**Partnership advisory services and outreach**

95. The Office uses the Guidelines on Cooperation between the United Nations and the Business Community issued by the Secretary-General in July 2000. Experience has shown that there is a need to both update the Guidelines and ensure their uniform application within the United Nations system. The Office could establish a system-wide working group to address those issues.

96. There is a need for a simplified system to share lessons learned and best practices with regards to partnerships with the private sector. This will ensure knowledge transfer and facilitate the replication of successful initiatives throughout the United Nations system.

97. One of the key functions of partnering includes outreach to the private sector through, inter alia, high quality public information materials. With an average of nearly 500 enquiries per annum, the Office needs to have appropriate capacity to provide advice on collaboration with the United Nations family.

# VI. Conclusions

98. The partnership with the United Nations Foundation has prospered and yielded dividends in the form of new and additional resources for United Nations causes. The Foundation is now working on a second phase that should yield another $1 billion from other partners, to be managed through UNFIP, building on highly successful programmes.

99. In just over one year, the United Nations Democracy Fund has established itself as a strategic fund with a unique niche that looks to civil society as a vital pillar of democracy. Partnerships with civil society actors have proved to be a good tool to further the Democracy Fund agenda.

100. Building on the lessons learned in the last nine years, the United Nations Office for Partnerships serves as a gateway to the outside world for collaboration with the United Nations system. It has enabled the creation of numerous new partnerships and provided strategic advice to both the United Nations system and external partners.

## Annex I

### Projects funded through the United Nations Fund for International Partnerships, by programme area

| | *As at 31 December 2005* | | *Approvals in 2006* | | *Total* | | *Contributed by:* | | |
|---|---|---|---|---|---|---|---|---|---|
| *Programme area* | *Number of projects* | *Value (United States dollars)* | *Number of projects* | *Value (United States dollars)* | *Number of projects* | *Value (United States dollars)* | *Other donors* | *United Nations Foundation* | *Parallel donors* |
| Children's health | 61 | 432 450 548 | 8 | 180 334 191 | 69 | 613 405 568 | 470 929 290 | 142 476 278 | 58 441 101 |
| Population and women | 87 | 132 108 854 | 3 | 3 206 486 | 90 | 133 815 340 | 45 999 651 | 118 405 878 | 23 288 737 |
| Environment | 125 | 167 269 871 | 6 | 1 025 161 | 131 | 164 607 529 | 13 389 255 | 35 920 943 | 226 801 514 |
| Peace, security and human rights | 56 | 51 551 985 | 2 | 105 300 | 58 | 49 485 198 | 17 555 948 | 116 259 392 | 20 478 250 |
| Other | 47 | 26 152 527 | 5 | 6 467 096 | 52 | 33 112 124 | 13 241 162 | 20 247 961 | 6 083 311 |
| **Total** | **376** | **809 533 785** | **24** | **191 138 234** | **400** | **994 425 758** | **561 115 306** | **433 310 452** | **335 092 913** |

# Annex II

## Projects funded through the United Nations Democracy Fund, by programme area

| | *As at 31 December 2006* | |
|---|---|---|
| *Programme area* | *Number of projects* | *Value (United States dollars)* |
| Civic education, electoral support and political parties | 35 | 9 968 448 |
| Democratic dialogue and constitutional processes | 32 | 9 813 719 |
| Civil society empowerment | 20 | 5 271 404 |
| Accountability, transparency and integrity | 20 | 5 822 252 |
| Human rights and fundamental freedoms | 11 | 3 165 669 |
| Access to information | 7 | 1 980 588 |
| **Total** | **125** | **36 022 079** |

## Annex III

### Financial contributions to the United Nations Democracy Fund, by donor

(United States dollars)

| *Donor* | *Cumulative contribution as at 31 December 2006* | *Cumulative contribution as at 30 June 2007* |
|---|---|---|
| Australia | 7 303 974.44 | 7 303 974.44 |
| Bulgaria | | 10 000.00 |
| Chile | 100 000.00 | 130 000.00 |
| Croatia | 5 000.00 | 5 000.00 |
| Cyprus | | 5 000.00 |
| Czech Republic | 50 000.00 | 50 000.00 |
| Denmark | 265 017.67 | 265 017.67 |
| Estonia | 10 395.00 | 10 395.00 |
| France | 1 217 450.00 | 1 874 000.00 |
| Georgia | 24 942.69 | 24 942.69 |
| Germany | 3 184 784.50 | 3 184 784.50 |
| Hungary | 25 000.00 | 50 000.00 |
| India | 10 000 000.00 | 10 000 000.00 |
| Ireland | 658 724.00 | 658 724.00 |
| Israel | 17 500.00 | 27 500.00 |
| Japan | | 10 000 000.00 |
| Lithuania | | 13 277.69 |
| Mongolia | 10 000.00 | 10 000.00 |
| Peru | | 20 000.00 |
| Poland | 100 000.00 | 150 000.00 |
| Portugal | 50 000.00 | 50 000.00 |
| Qatar | 6 000 000.00 | 6 000 000.00 |
| Republic of Korea | 1 000 000.00 | 1 000 000.00 |
| Senegal | 100 000.00 | 100 000.00 |
| Slovenia | 60 000.00 | 60 000.00 |
| Spain | 1 059 080.00 | 1 059 080.00 |
| Sri Lanka | 5 000.00 | 5 000.00 |
| Sweden | 729 450.04 | 729 450.04 |
| United Kingdom | 609 350.00 | 609 350.00 |
| United States | 17 920 000.00 | 17 920 000.00 |
| **Total** | **50 505 668.34** | **61 325 496.03** |

## Annex IV

### Composition of the 2007 United Nations Fund for International Partnerships Advisory Board

Asha-Rose Migiro, Deputy Secretary-General (Chairperson)

Alicia Barcena, Under-Secretary-General for Management

Dalius Cekuolis, Vice-President, United Nations Economic and Social Council (Permanent Representative of Lithuania to the United Nations)

Lincoln C. Chen, M. D., President, China Medical Board of New York

Tiina Intelmann, Chairperson of the Second Committee, United Nations General Assembly (Permanent Representative of Estonia to the United Nations)

Mary Oakes Smith, Fellow, Information Technology for Education and Health, World Bank

Franklin A. Thomas, The Ford Foundation Study Group

Sha Zukang, Under-Secretary-General for Economic and Social Affairs

Amir Dossal (member, ex officio), Executive Director, United Nations Fund for International Partnerships

# Annex V

## Composition of the 2007 United Nations Democracy Fund Advisory Board

**Member States (largest contributors)**

Australia
France
Germany
India
Qatar
United States

**Member States (geographical)**

Benin
Chile
Hungary
Indonesia
South Africa

**Non-governmental organizations**

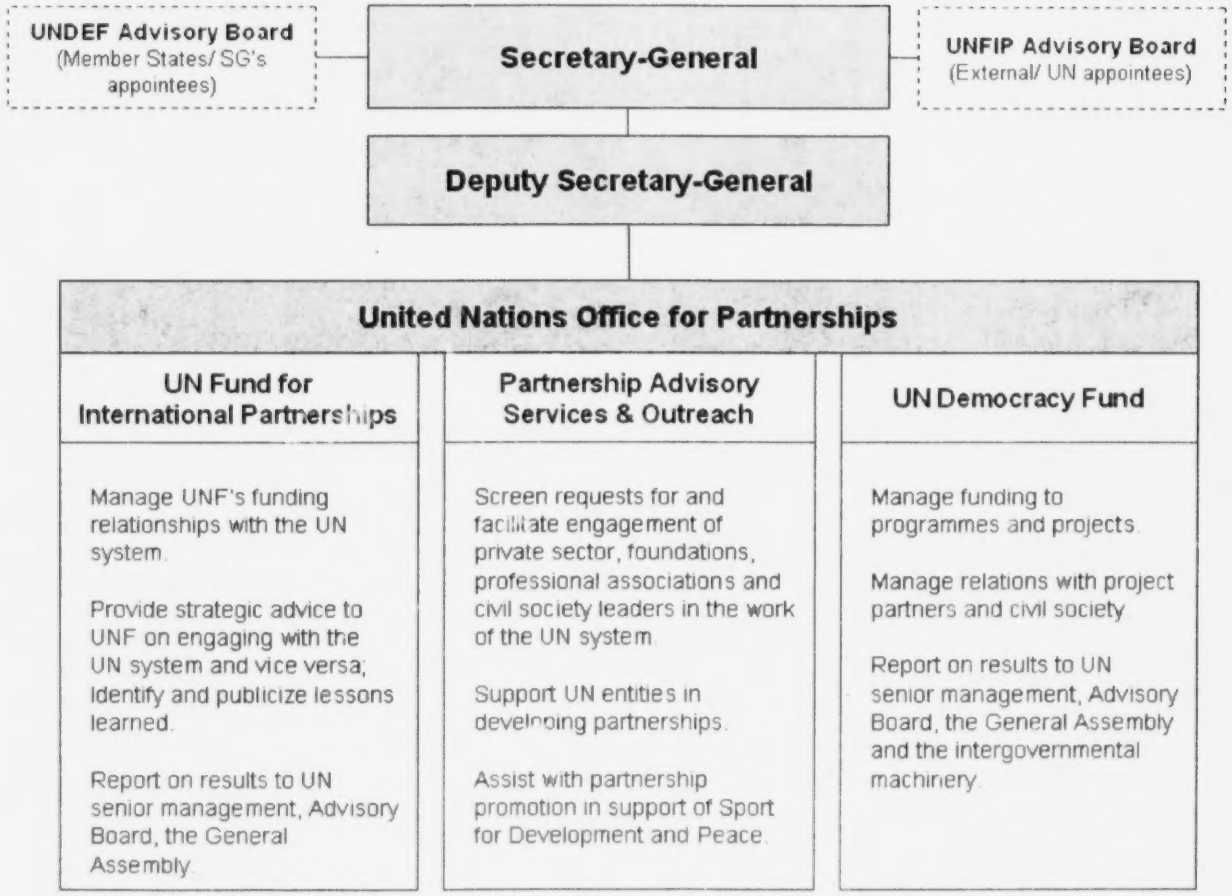
CIVICUS: World Alliance for Citizen Participation
International Commission of Jurists

**Others appointed by the Secretary-General**

Michael Doyle
Guillermo O'Donnell
Rima Khalaf Hunaidi
Amir Dossal (member, ex officio)

## Annex VI

### Organizational chart of the United Nations Office for Partnerships


UNDEF Advisory Board
(Member States/ SG's appointees)
Secretary-General
UNFIP Advisory Board
(External/ UN appointees)
Deputy Secretary-General
United Nations Office for Partnerships
UN Fund for International Partnerships
Manage UNF's funding relationships with the UN system.
Provide strategic advice to UNF on engaging with the UN system and vice versa; Identify and publicize lessons learned.
Report on results to UN senior management, Advisory Board, the General Assembly.
Partnership Advisory Services & Outreach
Screen requests for and facilitate engagement of private sector, foundations, professional associations and civil society leaders in the work of the UN system.
Support UN entities in developing partnerships.
Assist with partnership promotion in support of Sport for Development and Peace.
UN Democracy Fund
Manage funding to programmes and projects.
Manage relations with project partners and civil society.
Report on results to UN senior management, Advisory Board, the General Assembly and the intergovernmental machinery.

United Nations A/62/221

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**Sixty-second session**
Item 72 (a) of the provisional agenda*
**Promotion and protection of human rights: implementation of human rights instruments**

# Torture and other cruel, inhuman or degrading treatment or punishment

## Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report of the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, submitted in accordance with Assembly resolution 61/153.

* A/62/150.

07-45686 (E) 300807

# Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

*Summary*

In the present report, submitted pursuant to General Assembly resolution 61/153, the Special Rapporteur addresses issues of special concern to him, in particular overall trends and developments with respect to questions falling within his mandate.

On the basis of his fact-finding missions, the Special Rapporteur draws the attention of the General Assembly to observations in relation to the role of forensic expertise in combating impunity. Notwithstanding binding obligations to fight impunity under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, authorities are reluctant to carry out criminal investigations and prosecutions into torture allegations, with the result that impunity is allowed to continue unchecked. A major obstacle is the lack of independent, thorough and comprehensive investigations, including effective documentation of the evidence of torture. In this regard forensic science is indispensable in correlating medical findings with a victim's allegations. The Special Rapporteur emphasizes that effective documentation, in accordance with the *Istanbul Protocol*, is a key tool for Governments to combat impunity for torture.

In section IV, the Special Rapporteur stresses that avoiding depriving people of their liberty is a very effective means of preventing torture and ill-treatment. He notes that key factors contributing to serious overcrowding of detention centres and prisons and inhuman conditions of detention in many countries are the almost automatic recourse to pretrial detention of criminal suspects and the lack of efficient criminal justice systems, with the effect that many persons suspected of minor offences spend several years in pretrial detention. Also, at the sentencing stage many criminal laws provide almost exclusively for prison sentences and neglect alternative measures of punishment. The Special Rapporteur encourages States to use non-custodial measures at the pretrial, trial and post-sentencing stages as widely as possible, in order to avoid overcrowding and to minimize the risk of torture and ill-treatment.

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# I. Introduction

1. The present report is the ninth submitted to the General Assembly by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. It is submitted pursuant to General Assembly resolution 61/153 (para. 29). It is the third report submitted by the present mandate holder, Manfred Nowak. This report includes issues of special concern to the Special Rapporteur, in particular overall trends and developments with respect to issues falling within his mandate.

2. The Special Rapporteur draws attention to his main report to the Human Rights Council (A/HRC/4/33 and Add.1-3). There, he discusses the obligation of States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to establish universal jurisdiction. He notes that, with few exceptions, States remain reluctant to make use of their rights and obligations to exercise universal jurisdiction. The Special Rapporteur discusses recent practice and the developments related to the case of the former dictator of Chad, Hissène Habré. Given that impunity is one of the main reasons for the widespread practice of torture in all regions of the world, he calls upon States to exercise universal jurisdiction to fight impunity and deny torturers any safe haven in the world. He further discusses the importance of cooperation between the Special Rapporteur and regional mechanisms established to combat torture. In the final section, he discusses the right of victims of torture to a remedy and reparation.

3. Document A/HRC/4/33/Add.1 covered the period 16 December 2005 to 15 December 2006 and contained allegations of individual cases of torture or general references to the phenomenon of torture, urgent appeals on behalf of individuals who might be at risk of torture or other forms of ill-treatment, as well as responses by Governments. The Special Rapporteur continues to observe that the majority of communications are not responded to by Governments.

4. Document A/HRC/4/33/Add.2 contained information on the state of follow-up to the recommendations resulting from previous country visits. The Governments of Kenya, Pakistan and Mongolia have never provided any follow-up information since the visits were carried out. The Special Rapporteur is, however, pleased to note that on 27 March 2007, during the interactive dialogue at the fourth session of the Council, representatives of the Government of Kenya informed him of a number of developments in Kenya, and he looks forward to receiving a detailed response in writing. He further appreciates follow-up information provided orally by the Governments of Brazil, Cameroon, Chile, Colombia, Georgia, Nepal and Uzbekistan.

5. Document A/HRC/33/Add.3 contains the report on the country visit to Jordan.

# II. Activities related to the mandate

6. The Special Rapporteur draws the attention of the General Assembly to the activities he has carried out pursuant to his mandate since the submission of his report to the Human Rights Council described below.

### Communications concerning human rights violations

7. From 16 December 2005 to 26 July 2007, the Special Rapporteur sent 51 letters of allegations of torture to 35 Governments, and 127 urgent appeals on behalf

of persons who might be at risk of torture or other forms of ill-treatment to 50 Governments.

**Country visits**

8. With respect to fact-finding missions, the Special Rapporteur undertook a visit to Nigeria from 4 to 10 March 2007. The visit included stops in Abuja, Lagos, Port Harcourt and Kaduna. He expresses his appreciation to the Government for the cooperation it extended to him. The Special Rapporteur welcomes Nigeria's commitment to promoting respect for human rights, as demonstrated by, among other things, its record of cooperation with international human rights mechanisms and organizations. He appreciates the challenges the State faces given the sheer size and diversity of the population, including ethnolinguistic and religious groups, the plurality of legal systems, the nature of the federal structure, the high level of crime, widespread poverty (despite the potential enormous wealth from oil revenues) and the conflict in the Niger Delta. On the basis of an analysis of the legal system, visits to detention facilities, interviews with detainees, the support of forensic medical evidence and interviews with government officials, lawyers and representatives of non-governmental organizations (NGOs), the Special Rapporteur concluded that torture and ill-treatment is widespread in police custody and is particularly systemic in the Criminal Investigation Departments. The conditions of detention in police cells visited were appalling. All the prisons visited were characterized by severe overcrowding, housing an inmate population that is typically double or triple the actual capacity of the facility. The vast majority of the prison population is awaiting trial (i.e. in pretrial detention), or held without charge for lengthy periods of as long as 10 years. However, female prisoners are provided with considerably better facilities. The findings are not new as many credible human rights organizations, as well as United Nations human rights mechanisms, have documented the use of torture and concluded that it is widespread in the country, and that the conditions of detention are unacceptable. Nigerians themselves have exhaustively identified the nature and scale of these problems. Indeed, in August 2005, President Obasanjo acknowledged the severity of the problem of torture in the country. Accordingly, the Special Rapporteur recommended a number of measures to be adopted by the Government in order to comply with its commitment to prevent and suppress acts of torture and other forms of ill-treatment.

9. The Special Rapporteur undertook a visit to Togo from 11 to 17 April 2007. He expresses his appreciation to the Government for the full cooperation it extended to him. Noting the overall commitment by the current Government to combat torture and the considerable improvements since 2005 in this regard in most of the police commissariats and gendarmerie posts that he visited, the Special Rapporteur found evidence of ill-treatment by law enforcement officials, most of which was inflicted during interrogation for the purpose of obtaining a confession. He also heard allegations by detainees and found evidence of beatings by prison guards and other prisoners as a means of punishment. He is very concerned that children are at high risk of corporal punishment and ill-treatment in situations where they are deprived of their liberty. The Special Rapporteur is of the opinion that conditions in police and gendarmerie custody, as well as in most prisons, amount to inhuman treatment. In particular, he is concerned about the severe overcrowding in most prisons, the deplorable sanitary situation, the quantity and quality of food, as well as the restricted access to medical services. The Special Rapporteur identified the

following underlying causes: almost total impunity, resulting, inter alia, from the absence in Togolese law of an explicit prohibition of torture; deficiencies of the criminal justice system; lack of safeguards against torture; an absence of independent monitoring mechanisms; the involvement of the military in law enforcement activities; the lack of sufficient resources; and corruption. The Special Rapporteur accordingly recommended to the Government a number of measures to prevent and combat torture and ill-treatment.

10. On the question of pending visits, for the remainder of 2007, a visit to Sri Lanka (originally scheduled for January 2007) and one to Indonesia are expected to take place in October and November 2007, respectively. The Special Rapporteur is pleased to report that he has accepted an invitation from the Government of Iraq to visit the country in early 2008. Following a meeting with the delegation of the Government of Equatorial Guinea to the fifth session of the Human Rights Council, the Special Rapporteur accepted an oral invitation to visit the country in January 2008.

11. In May 2007, the Special Rapporteur renewed requests for invitations from the following States: Algeria (request first made in 1997); Afghanistan (2005); Belarus (2005); Bolivia (2005); Côte d'Ivoire (2005); Egypt (1996); Eritrea (2005); Ethiopia (2005); Fiji (2006); the Gambia (2006); India (1993); Iran (Islamic Republic of) (2005); Israel (2002); Liberia (2006); Libyan Arab Jamahiriya (2005); Papua New Guinea (2006); Saudi Arabia (2005); Syrian Arab Republic (2005); Tunisia (1998); Turkmenistan (2003); Uzbekistan (2006); Yemen (2005); and Zimbabwe (2005). He regrets that some of these requests are of long-standing.

**Darfur**

12. In accordance with Human Rights Council resolution 4/8 of 30 March 2007, the Special Rapporteur participated in two meetings of the group composed of seven special procedures mandate holders held from 24 to 27 April and on 24 May 2007. The group was requested "to work with the Government of the Sudan ... to ensure the effective follow-up and to foster the implementation of resolutions and recommendations on Darfur, as adopted by the Human Rights Council, the Commission on Human Rights and other United Nations human rights institutions, as well as to promote the implementation of relevant recommendations of other United Nations human rights mechanisms". The process resulted in a preliminary report on the situation of human rights in Darfur (A/HRC/5/6) which was submitted to the Council at its fifth session. A further update will be submitted to the sixth session of the Council in accordance with resolution OM/1/3 of 20 June 2007.

**Press conferences and statements**

13. On 27 March 2007, following his appearance before the Human Rights Council, the Special Rapporteur held a press conference in Geneva. The questions raised by the journalists included the challenges to the prohibition of torture in the context of fighting terrorism, the issue of rehabilitation of and reparation to torture victims and follow-up to past country visits.

14. On 10 May 2007, the Special Rapporteur, together with other special procedure mandate holders, called on the Government of Myanmar to release Daw Aung San Suu Kyi and to free all the remaining political prisoners.

15. On 26 June 2007, on the occasion of the International Day in Support of Victims of Torture, the Special Rapporteur, together with the Committee against Torture, the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture and the United Nations High Commissioner for Human Rights, issued a joint statement which, inter alia, drew attention to the links between torture and the death penalty and encouraged States that continued to apply the death penalty to consider a moratorium on its use, and expressed gratitude to all donors to the United Nations Voluntary Fund for Victims of Torture and called on all States, in particular those that had been found to be responsible for widespread or systematic practices of torture, to contribute to the Voluntary Fund as part of a universal commitment for the rehabilitation of torture victims.

16. Press releases were also issued in connection with the country visits that took place in the reporting period and with the Darfur process.

**Highlights of key presentations/consultations/training**

17. On 11 January 2007, the Special Rapporteur gave a lecture on the subject "Contemporary problems relating to the prohibition of torture — experiences of the Special Rapporteur on torture" at the Johann Wolfgang von Goethe University in Frankfurt, Germany.

18. On 20 March 2007, he met with the Minister of Justice of Austria, Maria Berger, to discuss provisions relating to torture in the Austrian Criminal Code.

19. On 26 and 27 March 2007, he presented his report to the Human Rights Council in Geneva and participated in the interactive dialogue held during the fourth session.

20. On 21 May 2007, he met with the President of Nigeria, Olusegun Obasanjo, at the InterAction Council of Former Heads of State and Government in Vienna to discuss follow-up to his visit to Nigeria in March 2007.

21. On 23 May 2007, he chaired a discussion that followed a lecture given by the Commissioner for Human Rights of the Council of Europe, Thomas Hammarberg, entitled "Human rights in Europe: mission unaccomplished".

22. On 25 May 2007, he gave a lecture on torture at the University of Pretoria in South Africa for students participating in the African Master's Programme in human rights and democratization.

23. From 29 May to 6 June 2007, while in Washington, D.C., the Special Rapporteur met with several representatives of civil society, including Penal Reform International, Human Rights First and Human Rights Watch. On 6 June, he participated in a workshop on the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

24. On 21 June 2007, the Special Rapporteur gave a presentation entitled "Economic and social root cause of torture" at a training course organized by the World Organization against Torture in Geneva.

**Torture in the context of counter-terrorism measures**

25. On 27 March 2007, the Special Rapporteur participated at an NGO panel in Geneva entitled "Against terrorism — for human rights".

26. On 10 May 2007, he met with representatives of the Embassy of the United States of America in Vienna to discuss the closure of the detention facilities at the Guantánamo Bay Naval Base, Cuba, and other issues of common concern.

27. On 16 May 2007, he met the President of Austria, Heinz Fischer, to discuss issues related to counter-terrorism and torture.

28. On 21 May 2007, he met with Human Rights Watch representatives in Vienna to discuss human rights challenges posed by the fight against terrorism.

29. From 29 May to 6 June 2007, while in Washington, D.C., the Special Rapporteur had a series of meetings with officials of the United States Department of State to discuss various issues, including the closure of the detention facilities at the Guantánamo Bay Naval Base and how the burden could be shared.

30. On 31 May 2007, he participated in a panel discussion entitled "Human rights and the war on terror" at American University in Washington, D.C.

31. On 14 June 2007, the Special Rapporteur trained NGO representatives participating in a workshop entitled "The war on terror" organized by Amnesty International in Vienna.

32. On 22 June 2007, he gave a speech entitled "Torture and terrorism" at the thirty-second annual meeting of Austrian international lawyers in Altaussee, Austria.

33. On 14 July 2007, he gave a speech entitled "The implementation of the EU guidelines on torture" at the Diplomatic Conference organized by the European Inter-University Centre for Human Rights and Democratisation in Venice.

**Reform of the United Nations human rights machinery/coordination with United Nations agencies and regional bodies**

34. On 18 January 2007 the Special Rapporteur made a presentation on the reform of the Human Rights Council at a conference of the NGOs in consultative relationship with the United Nations in Vienna.

35. From 19 to 21 January 2007, he participated in a conference entitled "Encouraging implementation of human rights standards" at Wilton Park, United Kingdom, sat on a panel which discussed the role of the special procedures and gave the closing speech, entitled "Looking at the future".

36. On 23 February 2007, he met with the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Geneva during its first session to discuss issues relating to coordination, visit methodology and national preventive mechanisms. He held discussions with some of the Subcommittee's members again on 18 June 2007 in Geneva.

37. On 20 May 2007, the Special Rapporteur met with the Commissioner for Human Rights of the Council of Europe in Vienna to discuss issues of common concern.

38. On 31 May 2007, he met with the President of the Inter-American Commission on Human Rights, Florentín Melendez, in Washington D.C., to exchange experiences and deliberate on possibilities for cooperation.

39. On 13 June 2007, the Special Rapporteur held a series of meetings in The Hague with the President of the International Court of Justice, Dame Rosalyn

Higgins, the President and the Prosecutor of the International Criminal Tribunal for the Former Yugoslavia, Fausto Pocar and Carla Del Ponte, and with the Prosecutor of the International Criminal Court, Luis Moreno-Ocampo, to discuss issues of common concern.

40. On 20 June 2007, he met with staff of the Division of International Protection Services, Office of the United Nations High Commissioner for Refugees, in Geneva to discuss areas of cooperation and common concern.

41. With reference to General Assembly resolution 61/153, in which the Assembly stressed the need for the pursuance of cooperation with relevant United Nations programmes, notably the United Nations Crime Prevention and Criminal Justice Programme, with a view to enhancing further their effectiveness and cooperation on issues relating to torture, on 29 June 2007, consultations were held with relevant departments of the United Nations Office on Drugs and Crime (UNODC) in Vienna.

## III. The role of forensic expertise in combating impunity for torture

42. The Special Rapporteur has carried out fact-finding missions to eight countries since assuming the mandate in December 2004: Georgia, Mongolia, Nepal, China, Jordan, Paraguay, Nigeria and Togo. The common finding that emerged from each visit is the lack of accountability of perpetrators of torture, despite the fact that all eight are States parties to the Convention against Torture, which imposes a binding obligation to fight impunity. States are obliged to criminalize torture, as defined in article 1, by creating one or more specific offences in their domestic criminal codes punishable "by appropriate penalties which take into account their grave nature" (art. 4).

43. Although these States have a crime of torture in their domestic legislation, it is often poorly defined i.e. not in accordance with article 1, and even with ex officio powers of investigation authorities are reluctant to carry out criminal investigations into torture allegations; there is little, if any, evidence that any police official has been convicted of this offence. Instead, examples have been provided to the Special Rapporteur of administrative or disciplinary sanctions against errant officers. This is a strong indication of the unwillingness of States to fight impunity in accordance with the Convention.

44. The Special Rapporteur recalls the updated Set of Principles for the protection and promotion of human rights through action to combat impunity (E/CN.4/2005/102/Add.7).[1] According to principle 1 on the general obligations of States to take effective action to combat impunity:

> "Impunity arises from a failure by States to meet their obligations to investigate violations; to take appropriate measures in respect of the perpetrators, particularly in the area of justice, by ensuring that those suspected of criminal responsibility are prosecuted, tried and duly punished; to provide victims with effective remedies and to ensure that they receive

[1] The updated Set of Principles was endorsed by the Commission on Human Rights in its resolution 2005/81. See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* (E/2005/23), chap. II, sect. A.

reparation for the injuries suffered; to ensure the inalienable right to know the truth about violations; and to take other necessary steps to prevent a recurrence of violations."

45. He further recalls principle 19 on the duties of States with regard to the administration of justice:

> "States shall undertake prompt, thorough, independent and impartial investigations of violations of human rights and international humanitarian law and take appropriate measures in respect of the perpetrators, particularly in the area of criminal justice, by ensuring that those responsible for serious crimes under international law are prosecuted, tried and duly punished."

46. One of the major challenges in fighting impunity for torture is for the authorities to carry out effective investigations; investigations that are independent, thorough and comprehensive.[2] In particular, in cases against alleged perpetrators, it is a major challenge to obtain sufficient evidence that a person has been tortured. As the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment has stressed in a recent update to its standards:

> "Adequately assessing allegations of ill-treatment will often be a far from straightforward matter. Certain types of ill-treatment (such as asphyxiation or electric shocks) do not leave obvious marks, or will not, if carried out with a degree of proficiency. Similarly, making persons stand, kneel or crouch in an uncomfortable position for hours on end, or depriving them of sleep, is unlikely to leave clearly identifiable traces. Even blows to the body may leave only slight physical marks, difficult to observe and quick to fade. Consequently, when allegations of such forms of ill-treatment come to the notice of prosecutorial or judicial authorities, they should be especially careful not to accord undue importance to the absence of physical marks. The same applies a fortiori when the ill-treatment alleged is predominantly of a psychological nature (sexual humiliation, threats to the life or physical integrity of the person detained and/or his family, etc.). Adequately assessing the veracity of allegations of ill-treatment may well require taking evidence from all persons concerned and arranging in good time for on-site inspections and/or specialist medical examinations."[3]

47. Forensic medicine is a "science which seeks to disclose the truth in as much as it exposes the facts concerning the circumstances of injury and death. In so doing it provides a foundation on which to build preventative policies and justice".[4] The purpose of the medical evaluation is to provide expert opinion on the degree to which medical findings correlate with the alleged victim's allegations. With this in mind, forensic expertise is an indispensable element of credible fact-finding. On his missions to Mongolia, Nepal, Jordan, Paraguay, Nigeria and Togo, the Special Rapporteur was assisted by independent medical experts qualified to document and assess injuries, in accordance with the Istanbul Protocol, the international guidelines

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[2] See in European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, *The CPT standards*, CPT/Inf/E (2002) 1 — Rev.2006, chap. IX — Combating Impunity.

[3] Ibid., para. 29.

[4] D. J. Pounder, "International aspects of forensic medicine", in J. Kragsstrup, J. L. Thomsen and M. Ritskes-Hoitinga (eds.), *Health Scientists at Odense University* (Odense University, Denmark: 1998).

for the assessment of persons who allege torture and ill-treatment, for investigating such cases, and for reporting the findings to appropriate investigative bodies, adopted by the Commission on Human Rights and the General Assembly.[5] The findings contained in the reports of these experts assisted the Special Rapporteur to draw his conclusions on the practice of torture in the respective countries.

48. The Special Rapporteur notes that the United Nations has remained seized of the importance of the role forensic science plays in fighting impunity since the early 1990s.[6] He recalls that the Commission on Human Rights in resolution 2005/26 recognized that forensic investigations can play an important role in combating impunity by providing the evidentiary basis on which prosecutions can successfully be brought against persons responsible for grave violations of human rights and international humanitarian law."[7]

49. The Special Rapporteur welcomes information that there is increasing and more systematic use of forensic expertise in the context of human rights fact-finding and investigative activities by the Office of the High Commissioner for Human Rights, special procedures mandates, as well as international commissions of inquiry.[8] He notes that the Subcommittee on Prevention established under the Optional Protocol to the Convention against Torture is expected to make use of such expertise for its activities.[9]

50. A general observation made on the basis of the missions carried out to date is that victims invariably are caught between requirements of the law to adduce evidence to support allegations of torture and the lack of practical possibilities to produce such evidence, especially on the part of those persons who are still being detained. For example, records of medical examinations upon arrest or transfer are often non-existent, and recourse to forensic expertise is at the discretion of the

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[5] Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Principles) annexed to General Assembly resolution 55/89 of 4 December 2000 and Commission on Human Rights resolution 2000/43 of 20 April 2000. See *Official Records of the Economic and Social Council, 2000, Supplement No. 3* (E/2000/23), chap. II, sect. A. *Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, Professional Training Series No. 8/Rev.1 (United Nations publication, Sales No. E.04.XIV.3), 2004. See also the discussion on country visit methodology of the Special Rapporteur on the question of torture in document E/CN.4/2006/6, para. 23.

[6] Commission on Human Rights resolutions 1992/24 of 28 February 1992 (see *Official Records of the Economic and Social Council, 1992, Supplement No. 3* (E/1992/22), chap. II, sect. A; 1993/33 of 5 March 1993 (ibid., *1993, Supplement No. 3* (E/1993/23), chap. II, sect. A; 1994/31 of 4 March 1994 (ibid., *1994, Supplement No. 3* (E/1994/24), chap. II, sect. A; 1996/31 of 19 April 1996 (ibid., *1996, Supplement No. 3* (E/1996/23), chap. II, sect. A; 1998/36 of 17 April 1998 (ibid., *Supplement No. 3* (E/1998/23), chap. II, sect. A; 2000/32 of 20 April 2000 (ibid., *2000, Supplement No. 3* (E/2000/23), chap. II, sect. A; and 2003/33 of 23 April 2003 (ibid., *2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[7] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* (E/2005/23), chap. II, sect. A.

[8] See the updated report of the Office of the High Commissioner for Human Rights on human rights and forensic science (A/HRC/4/103), para. 28. The Office of the High Commissioner for Human Rights in Guatemala advised the Government on the elaboration of recently adopted legislation establishing the National Institute of Forensic Medicine, which is expected to play a crucial role in combating impunity of past and ongoing human rights violations; see the report of the Secretary-General on impunity (A/HRC/4/84), para. 18.

[9] Ibid.

police, prison guard, prosecutor or judge and is usually denied or simply unavailable for detainees because of lack of money or lack of independent specialists or facilities.

51. The end result is that many of the alleged victims, who are found by the Special Rapporteur to have made credible allegations of torture on the basis of evidence corroborated by forensic evaluations, are left with no recourse in having their complaints effectively investigated. Indeed, in the course of country visits, the Special Rapporteur has alerted the authorities of the need to immediately investigate and prosecute such cases and has sought information on follow-up measures taken by Governments. Likewise, in transmitting to Governments urgent appeals and allegation letters concerning alleged torture and ill-treatment, the Special Rapporteur regularly inquires into the details and results of medical examinations carried out pursuant to investigations. Regrettably, very little follow-up information in this regard is ever provided and Governments usually dismiss complaints of torture because of alleged "lack of credibility of criminals", without having made any serious attempt to investigate such complaints.

52. Effective documentation aims to bring evidence of torture and ill-treatment to light so that perpetrators may be held accountable. In the view of the Special Rapporteur, lack of investigation together with impunity is the principal cause of the perpetuation of torture and ill-treatment. The inability to tackle it effectively will continue to encourage its practice. If States are serious about combating impunity for torture, they will improve the quality of their criminal investigations through effective documentation of evidence of torture.

53. **In line with Commission on Human Rights resolution 2005/26, the Special Rapporteur encourages Governments to establish thorough, prompt and impartial investigation and documentation procedures as reflected in the Istanbul Protocol. In particular, he recommends the following:**

(a) **Complaints about torture should be recorded in writing, and a forensic medical examination (including, if appropriate, by a forensic psychiatrist) should be immediately ordered. Such an approach should be followed whether or not the person concerned bears visible external injuries. Even in the absence of an express allegation of ill-treatment, a forensic medical examination should be requested whenever there are other grounds to believe that a person could have been the victim of ill-treatment;**

(b) **Access to forensic expertise should not be subject to prior authorization by an investigating authority;**

(c) **Forensic medical services should be under judicial or another independent authority, not under the same governmental authority as the police and the penitentiary system;**

(d) **Public forensic medical services should not have a monopoly on expert forensic evidence for judicial purposes;**

(e) **An independent forensic expert should be part of any credible fact-finding or prevention mechanism.**

54. **In addition, the Special Rapporteur encourages the Office of the High Commissioner for Human Rights, as well as other relevant international and non-governmental organizations and Governments with established forensic**

**expertise, to promote forensic capacity-building, including training where necessary, particularly in countries without sufficient expertise in forensic science and related fields.**

# IV. Avoiding the deprivation of liberty as a means of preventing torture

55. The Special Rapporteur notes from his country visit experiences that one of the most commonly observed obstacles to the respect of human dignity and to the prohibition of torture and other forms of ill-treatment is overcrowding in places of detention. Overcrowding strains existing infrastructure, staffing, services and resources, which in turn leads to a decline in the standards of detention: failure to separate vulnerable groups, such as children, women, and ill prisoners, due to a lack of space; and insufficient beds, food, water, washing facilities, ventilation, sanitary conditions, recreational, educational or vocational opportunities, staffing to ensure discipline and security of the detainees, medicines, level of health care, etc. In this context, the Special Rapporteur recalls the jurisprudence of several international and regional human rights mechanisms, which has found that poor conditions of detention can amount to inhuman and degrading treatment.[10]

56. It is often explained by the responsible authorities that minimum standards of detention are not fulfilled because of a lack of financial resources for, among other things, refurbishment of detention facilities, purchase of basic supplies, provision of food and medical treatment and recruitment of staff, let alone for payment of staff salaries.

57. The Special Rapporteur recalls that, as soon as a State deprives someone of his or her liberty, it has the obligation to ensure full respect of all other human rights of that individual, and he refers to the detailed discussion on the guarantees for individuals deprived of their liberty contained in an earlier report (see E/CN.4/2004/56, paras. 27-49).

58. The Special Rapporteur notes that key factors to overcrowding are, generally, the almost automatic recourse to pretrial detention of suspects, even for non-violent offenders or for minor offences, despite the availability of non-custodial measures such as bail, house arrest, confiscation of travel document and recognizance; moreover, in many countries criminal laws focus on lengthy prison terms as the only

[10] See, for example, the following decisions of the Human Rights Committee: *Deidrick v. Jamaica*, communication No. 619/1995, *Official Records of the General Assembly, Fifty-third Session, Supplement No. 40* (A/53/40), vol. II, annex XI, sect. L; *Brown v. Jamaica*, communication No. 775/1997, ibid., *Fifty-fourth Session, Supplement No. 40* (A/54/40), vol. II, annex XI, sect. GG; *Larrosa Bequio v. Uruguay*, communication No. 88/1981, ibid., *Thirty-eighth Session, Supplement No. 40* (A/38/40), annex XVI. See also the following concluding observations and discussions of the Committee against Torture: *Official Records of the General Assembly, Fifty-first Session, Supplement No. 44* (A/51/44), para. 63 (Hong Kong); ibid., *Fifty-sixth Session, Supplement No. 44* (A/56/44) (Bolivia, Brazil, Costa Rica, Kazakhstan); ibid., *Fifty-ninth Session, Supplement No. 44* (A/59/44) (Cameroon); ibid., *Sixtieth Session, Supplement No. 44* (A/60/44) (Greece); CAT/C/NPL/CO/2 (Nepal); CAT/C/SR.264 (Russian Federation); CAT/C/SR.418 (Paraguay); CAT/C/SR.471 (Brazil). See further the following judgements of the European Court of Human Rights: *Valasinas v. Lithuania* (2001), *Kalashnikov v. Russia* (2002), *Mayzit v. Russia* (2005), *Novose'ov v. Russia* (2005), *Khudoyorov v. Russia* (2005), *Ostrovar v. Moldova* (2005).

punishment, even for relatively minor crimes, and do not provide for alternative, often more effective measures such as verbal sanctions, including admonition, reprimand and warning, conditional discharge, fines, restitution or compensation to the victim, suspended or deferred sentence, probation, community service, or house arrest.[11]

59. The need for comprehensive reform of the criminal justice system in order to offer a wide range of measures avoiding the deprivation of liberty is therefore a common conclusion arrived at in the Special Rapporteur's country reports. In his opinion, avoiding depriving a person of his/her liberty is one of the most effective safeguards against torture and ill-treatment.

60. Criminal justice reform should therefore seek to avoid the deprivation of liberty at all stages. It is crucial that minor cases, which otherwise use up many of the resources needed to process cases of grave crime, are dealt with outside the criminal law system. In this context decriminalization and diversion can significantly contribute to relieving the criminal justice system. Moreover, with regard to those cases that need to be dealt with under criminal law, measures not involving detention at the pretrial stage and non-custodial sentences after trial should be used as much as possible. In order for such a reform of the criminal law system to be effective, each institution involved needs to make its contribution, including the police, the judiciary, the legal profession, the prosecution services and the penitentiary system. To reform all these stages is a complex undertaking that should be guided by applicable international standards and norms.

61. The Special Rapporteur and his predecessors have consistently found that minors constitute one of the most vulnerable groups of detainees.[12] In many instances the authorities fail to separate them from the adult prison population, which puts them in danger of abuse, including sexual abuse. Also, corporal punishment of minors in detention situations remains a problem in many countries. At the same time, detained minors often come from poor and disadvantaged backgrounds and therefore their access to essential safeguards against torture or ill-treatment, such as the presence of their parents or access to legal aid, is restricted.[13]

62. The Special Rapporteur therefore considers that the avoidance of deprivation of liberty of minors is crucial in preventing torture and ill-treatment. He emphasizes, in accordance with the Convention on the Rights of the Child and other applicable international standards, that the deprivation of liberty of children should be used only as a last resort and for the shortest appropriate period of time[14] and draws

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[11] See also: United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules), adopted by the General Assembly in resolution 45/110 of 14 December 1990.

[12] See also A/55/290, paras. 10-15; E/CN.4/1996/35, paras. 9-17.

[13] In spite of the detailed guarantees contained in articles 37 and 40 of the Convention on the Rights of the Child.

[14] Article 37 (b) of the Convention on the Rights of the Child states: "... The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time". See also the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules"), General Assembly resolution 40/33 of 29 November 1985; the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, General Assembly resolution 45/133 of 14 December 1990; and the Guidelines for Action on Children in the Criminal Justice System, Economic and Social Council resolution 1997/30 of 21 July 1997.

attention to article 40, paragraph 4, of the Convention, which specifically refers to alternatives to detention for children:

> "A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence."[15]

63. The Special Rapporteur welcomes several recent publications of UNODC, which deal with alternatives to detention: *Handbook of Basic Principles and Promising Practices on Alternatives to Imprisonment*,[16] *Handbook on Restorative Justice Programmes*,[17] and *Alternatives to Incarceration*.[18] These set out the alternatives to detention which are available at the various stages of the criminal process and provide guidance and information on best practices with regard to many of the related recommendations of the Special Rapporteur contained in his country visit reports.

64. In the wider context of criminal law reform the Special Rapporteur is pleased to refer to recent efforts by UNODC to produce a "Criminal Justice Assessment Toolkit",[19] which aims at accompanying the reform process by pointing to relevant standards and providing examples of best practices in areas such as policing, access to justice, and custodial and non-custodial measures; several cross-cutting issues (juvenile justice, victims and witnesses, international cooperation) are also addressed.

65. The Special Rapporteur also draws attention to the Interagency Panel on Juvenile Justice, which coordinates activities of relevant United Nations agencies and non-governmental organizations active in the area of juvenile justice and

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[15] See Guidelines for Action on Children in the Criminal Justice System, ibid., para. 15: A review of existing procedures should be undertaken and, where possible, diversion or other alternative initiatives to the classical criminal justice systems should be developed to avoid recourse to the criminal justice systems for young persons accused of an offence. Appropriate steps should be taken to make available throughout the State a broad range of alternative and educative measures at the pre-arrest, pretrial, trial and post-trial stages, in order to prevent recidivism and promote the social rehabilitation of child offenders. Whenever appropriate, mechanisms for the informal resolution of disputes in cases involving a child offender should be utilized, including mediation and restorative justice practices, particularly processes involving victims. In the various measures to be adopted, the family should be involved, to the extent that it operates in favour of the good of the child offender ... See also paragraph 25 of general comment No. 10 (2007) of the Committee on the Rights of the Child, concerning children's rights in juvenile justice, para. 25: "... the obligation of States parties to promote measures for dealing with children in conflict with the law without resorting to judicial proceedings applies, but is certainly not limited to children who commit minor offences, such as shoplifting or other property offences with limited damage, and first-time child offenders ... In addition to avoiding stigmatization, this approach has good results for children and is in the interests of public safety and has proven to be more cost-effective". In HRI/GEN/Rev.8/Add.1.

[16] United Nations publication, Sales No. E.07.XI.2. The UNODC publications cited in the present report are available on its website (www.unodc.org).

[17] United Nations publication, Sales No. E.06.IV.15.

[18] United Nations Office on Drugs and Crime, Custodial and Non-Custodial Measures No. 3, United Nations, New York, 2006

[19] Available at: http://www.unodc.org/unodc/criminal_justice_assessment_toolkit.html.

provides advice and support to States upon request.[20] Finally, he refers to the UNODC publication *Juvenile Justice*,[21] part of the Criminal Justice Assessment Toolkit, which contains juvenile justice indicators[22] and information on best practices in the area of diversion, restorative justice, institutional treatment, etc. It also deals with vulnerable groups and provides guidance on management- and supervision-related issues.

66. In accordance with these handbooks, toolkits and relevant norms and standards of the United Nations, including rules 1 (5) and 5 of the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules), the Special Rapporteur encourages States to make the broadest possible use of the wide range of non-custodial measures available, which can be imposed at all stages of the administration of criminal justice: pretrial, trial, or execution of sentence. The human right to personal liberty is one of the most precious assets of human beings and a precondition for living a meaningful life. Human beings should be deprived of this asset only if absolutely necessary for the purpose of crime prevention or similarly important public interests. At the same time, avoiding deprivation of liberty as far as possible is one of the most efficient means of preventing torture and ill-treatment.

[20] See http://www.juvenilejusticepanel.org/en/.

[21] United Nations Office on Drugs and Crime, Cross-Cutting Issues No. 2, United Nations, New York, 2006.

[22] Also available at: http://www.juvenilejusticepanel.org/mm/File/15JJIndicators.pdf.

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Item 72 (b) of the provisional agenda*
**Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

# Globalization and its impact on the full enjoyment of all human rights

## Report of the Secretary-General

*Summary*

The Secretary-General submits the present report in response to General Assembly resolution 61/156 in which the Assembly requested the Secretary-General to seek further the views of Member States and relevant agencies of the United Nations system on the issue of globalization and its impact on the full enjoyment of all human rights and to submit a substantive report on this subject to the General Assembly at its sixty-second session. The report summarizes replies received in response to a request for information sent pursuant to the resolution. Responses were received from the Governments of Croatia, Cuba, Ecuador, Lebanon and Mexico. The report also includes contributions by Mexico and Tunisia submitted in response to a similar request (pursuant to General Assembly resolution 60/152), which, due to their late submission, were not included in the report of the Secretary-General in 2006 (A/61/281).

* A/62/150.

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# I. Introduction

1. In its resolution 61/156, the General Assembly took note of the report of the Secretary-General on globalization and its impact on the full enjoyment of all human rights (A/61/281) and requested the Secretary-General to seek further the views of Member States and relevant agencies of the United Nations system and to submit a substantive report on this subject to the General Assembly at its sixty-second session.

2. Pursuant to that request, on 17 April 2007, the Office of the United Nations High Commissioner for Human Rights (OHCHR) sent a request for views on this issue. As of 10 July 2007, OHCHR had received responses from the Governments of Croatia, Cuba, Ecuador, Lebanon and Mexico. The report also includes contributions by the Governments of Mexico and Tunisia, submitted in response to a similar request of 15 May 2006, which, due to their late submission, were not included in the report of the Secretary-General in 2006 (A/61/281).

# II. Replies received from Governments

## Croatia

[Original: English]
[28 June 2007]

1. The Ministry of Foreign Affairs and European Integration of the Republic of Croatia noted that globalization is a complex process of structural reforms, with interdisciplinary aspects, which can have a bearing on civil, political, economic, social and cultural rights, as well as upon the stratification of society potentially leading to poverty and social exclusion.

2. In response to some of the challenges posed by globalization, the Government of Croatia and the European Commission signed on 5 March 2007 the Joint Memorandum on Social Inclusion in the Republic of Croatia. The memorandum identifies the principal challenges and measures that will help Croatia combat poverty and social exclusion. The document will be used by the Government of Croatia to pay particular attention to challenges in the following areas:

(a) Secondary and higher education;

(b) Network of social services for children, the elderly and the disabled;

(c) Prevention of illness or disability;

(d) Social housing;

(e) Regional stratification;

(f) Poverty among the elderly.

3. The Government of Croatia noted that, in its efforts to implement these measures, it is aware of the necessity of setting up the proper institutional mechanisms to engender the most effective possible cooperation between various governmental agencies, social partners, local authorities, the non-governmental sector and representatives of those groups enduring poverty and social exclusion.

The Government stated that in the implementation of measures, it is also aware that special attention must be dedicated to the marked differences between poverty and social exclusion in urban and rural regions and in multiply deprived regions. It noted that existing gender inequalities must also be taken into account in the definition and implementation of various measures.

4. In this regard, the Government stated that it fully realizes that social exclusion is an ongoing process that demands constant monitoring and adjustment of adopted measures to new circumstances and changes. In this sense, it noted that it is particularly important to assess the effectiveness of the proposed measures and policies through clearly defined indicators that will enable the comparison of Croatia with other Member States.

## Cuba

[Original: Spanish]
[10 July 2007]

1. Cuba recognized the important role of the United Nations system, as the most representative and universal forum, in the rethinking of the bases of the current process of globalization, in order to ensure that its potential benefits are enjoyed equally by all peoples of the world and by all sectors within each country.

2. Cuba noted that, in theory, globalization should become a positive force for all countries and inhabitants of the world. However, as the international community has formally acknowledged on various occasions at world summits, at present the benefits and costs of globalization are very unequally distributed, and the developing countries are encountering particular difficulties in dealing with this problem.

3. Cuba stated that the neoliberal globalization process has led to the reduction of the role of States and their economic and financial capacity to implement the right to development and to maintain, offer and guarantee basic public services in education, health and social security.

4. Furthermore, Cuba stated that neoliberal globalization is contributing to the expansion of vice and crime throughout the world, such as drug trafficking, prostitution and pornography, including child pornography, trafficking in migrants, women and children, paedophilia, racism, racial discrimination, xenophobia and related intolerance. This is taking place in conditions of injustice and inequality and reflects the dangerous multiplier effect that new technologies can have on the loss of ethical values and morals.

5. Cuba submitted that the right of every person to a social and international order in which his or her rights and freedoms can be fully realized is still far from being achieved. This objective was proclaimed over 50 years ago in the Universal Declaration of Human Rights, reiterated in the Declaration on the Right to Development and reaffirmed by consensus at the 1993 World Conference on Human Rights.

6. Cuba submitted that the mechanisms of free trade and the "equality" among unequals promoted by neoliberal globalization — whether through free trade agreements, such as the Free Trade Area of the Americas, or the trade

"liberalization" in the World Trade Organization — in the context of the historical determinants of subordination, dependence and plundering to which the developing countries have been subjected, and the inequities in the current international economic order, tend to favour the developed countries and to perpetuate and deepen the inequalities between these countries and the countries of the South.

7. Cuba stated that the continued unrestricted implementation of neoliberal formulas will ensure that the realization of all human rights for all remains an unattainable illusion. It will also have serious consequences for peace, national, regional and international stability, the conservation and rational use of resources and, as a result, for the very survival of humanity.

8. Cuba submitted that policies and measures that take account of the needs of the developing countries and that are formulated and implemented with the participation of these countries, must be adopted at the global level.

9. Cuba submitted that international cooperation — as an inescapable duty — and an international order conducive to the realization of all human rights should become urgent priorities for the international community, particularly for those that have benefited most until now. International solidarity is becoming essential. The main obstacle to the solution of the problems raised by the current form of globalization is the absence of real political will on the part of the industrialized countries to fulfil agreed commitments and to change the current rules of the game.

10. Cuba stated that the formulas and initiatives put forward to date by the developed countries and international organizations to meet challenges — which are aggravated by the current neoliberal globalization process — such as underdevelopment, poverty and AIDS, are only limited and insufficient palliatives that will not solve the serious problems and the vast inequalities that exist in the world today.

11. Cuba stated that a recent example of this is the sinister idea of converting food into fuel, established as an economic aspect of the foreign policy of the most powerful country in the world, as a result of which over 3 billion persons will be condemned to premature death by hunger and thirst. In a world where more than 854 million people are starving, this model is extremely exclusive, since it severely jeopardizes the food sovereignty and health of ecosystems in various parts of the planet, particularly in underdeveloped areas. According to this scheme, third world countries will contribute their land and its fertility and their cheap workforce and will be left with all the environmental damage caused by large plantations for the production of biofuels.

12. Cuba stated that humanity can be saved only by a more human and equitable order in which social justice prevails. The unjust, selfish and unequal current international order cannot solve the serious problems facing humanity today, nor the major challenges of tomorrow.

13. Cuba is convinced that the existence of real political will on the part of the developed countries could, with relatively few resources, of the hundreds of billions of dollars that are squandered every year on the arms race, wars of conquest, commercial advertising and speculative financial megaprojects, do much for the right to life and the right to development of billions of people.

14. Cuba stressed the importance of placing development at the centre of the international economic agenda with a view to eradicating poverty and eliminating differences between rich and poor.

15. For this reason, Cuba agreed that there is a need to establish an equitable, transparent and democratic international system in which profound, comprehensive, innovative and simultaneous measures — beginning with the cancellation of external debt — are taken on various fronts.

16. Cuba stated that official development assistance will have to be at least tripled, be unconditional and not be subordinated to the economic and political interests of donors. It will be necessary to return to preferential trade agreements and formulas to compensate for deep and increasing inequality, such as the agreed special and differential treatment, which has never been implemented. The current international financial institutions will have to be replaced, and the United Nations will have to be reformed and democratized so that it is truly effective. A development tax will have to be created.

## Ecuador

[Original: Spanish]
[28 June 2007]

1. Ecuador agreed that globalization is not merely an economic process and that it also has social, political, environmental, cultural and legal dimensions that have an impact on the full enjoyment of human rights. The international community must therefore establish principles, such as international cooperation and solidarity, in order to ensure that this process is as inclusive and equitable as possible, and that it takes account of the vulnerability of the developing countries and does not neglect the responsibility of States to promote and protect human rights.

2. Ecuador stated that, in the light of the implications of free trade for human rights, various international instruments have established that human rights are an essential element that cannot be affected by trade relations. However, Ecuador submitted that not enough has been done, since there are still cases of discrimination, labour exploitation and child labour, under the pretext of the free flow of capital and "development" promoted by multinational enterprises.

3. Finally, Ecuador stated that it would be useful to broaden the discussion to include the effects of globalization on the cultural diversity of indigenous peoples, the sustainable use of natural resources, access to water and the preservation of biodiversity.

## Lebanon

[Original: Arabic]
[28 June 2007]

1. The reply from the Secretariat for Foreign Affairs of the Lebanese National Assembly stated that the impact of globalization on human rights is complex, confusing and contradictory, given that globalization itself is a complex and contradictory process. Although it is not a new phenomenon, the speed and the

spread of this process in the last few decades show that a qualitative change has taken place. Globalization is part of a wider process, namely, internationalization. In contemporary language, however, it refers, more specifically, to growing integration between national economies. This concept may reflect different values, priorities and institutions from those which the wider process, i.e. internationalization, reflects.

2. Lebanon submitted that globalization is not an economic step that is separate from, or independent of, other processes, although it is characterized by a large measure of independence. The fundamental responsibility for political regulation of, and for preserving the system from, globalization lies in redefining and redesigning the roles of the State according to forms and patterns that are consistent with the aims and processes of the global market.

3. Lebanon noted that globalization profoundly affects both the framework of discourse and the exercise of human rights. If few of the issues raised are new, the paradigm has shifted considerably. Globalization adds a new dimension to one of the most controversial issues, namely, whether rights are universal or specific. It raises questions about who benefits from rights and who is responsible for them.

4. Lebanon stated that globalization also raises questions about the relationship between economic and social rights and political and civil rights and which of them should have priority over the others and about the manner of the application of these rights, the responsibility of the international community for protecting them and the nature of State sovereignty.

5. Lebanon submitted that one of the most important characteristics of globalization is the fact that, while human rights are essentially afforded to the individual, there seems to be considerable doubt as to whether one can validly talk of individual rights and the concept of the universality of human rights at the same time as globalization. The world economy was founded on national legal systems, with elements of the global economic system; one cannot say that a political system or an international political system has emerged alongside the integrated global economy. This disjunct has an adverse impact on rights, justice and public accountability.

6. Lebanon stated that human rights are a battleground both in the international arena and in States where power and the resources used in the battle are unevenly distributed. The advent of globalization brought with it widespread violations of human rights and of human dignity. Here, the Government of Lebanon referred, more specifically, to slavery and the use of forced labour, and stated that there are no grounds for optimism that universal human rights will be fully realized, even if we are armed with a full array of universal human rights principles.

7. Lebanon stated that the members of the Lebanese National Assembly, considering that this institution is one of the most important institutions of government, have a responsibility to develop a culture of respect for human rights, in light of the new shift towards globalization and the effects that it may have on the full enjoyment of the human rights embodied in constitutional and legislative enactments.

8. Lebanon submitted that the contribution of the public to the work of parliaments and their committees and members is the logical foundation of a policy aimed at integrating the human rights perspective into parliamentary work, through

the participation of the public, and at ensuring equitable distribution of resources and balanced growth, taking account of the needs of the most marginalized members of society. This can be achieved by guaranteeing democratic rights and rule of law, and thus fully guaranteeing human rights.

9. Lebanon stated that the parliament, through its commitment to a balanced process of development, can make the participation of the public, through civil society organizations and institutions, a vital requirement. In that way, there would be accountability and transparency in any financial dealings, in the preparation of budgets and in the involvement of citizens in communicating the needs of their regions directly to members of parliament.

10. Lebanon submitted that globalization mostly has a negative impact on human rights, particularly in small and poor developing countries, and development efforts and policies must be assessed in terms of their impact on the quality of human life. Human beings are an instrument of development and the means by which development is achieved.

11. Lebanon noted that while some maintain that free and unhampered trade will guarantee the greatest gains, the necessary condition for the realization of this ideal is the existence of a situation of perfect or near perfect competition in the global trading market. Lebanon stated that it is self-evident that this situation does not exist, because of market monopolies, concentration and positions of hegemony in the international trade market, particularly as regards the size of institutions, their economic and financial resources and their ability to exploit advanced technology for their own purposes, i.e. for development, modernization and the maintenance of a global presence. Lebanon queried why, for example, the world continues to live in the shadow of an international policing system, imposed by the rich countries, which prevents the transfer of all types of technology to poor countries, except to an accepted level and permitted degree. Lebanon submitted that this adversely affects the developmental capacity of small poor countries and the form and pace of development therein.

12. Lebanon noted that the technological revolution that has accompanied globalization has begun to liberate the media from government censorship and control and to eliminate barriers to communication, regardless of the wishes of rulers. Information networks have become the most visible manifestation of globalization, even though some "rogue" networks threaten national cultures and identities, turning countries into dustbins for cultural, recreational and political rubbish, instead of havens for information.

13. Lebanon submitted that this revolution has rehabilitated reading and writing, i.e. education, because knowledge is required to use information networks, and that this is the biggest challenge facing literacy promotion and the transmission of information to all peoples in the Arab region, including Lebanon. Lebanon stated that the region's satellite televisions are being invaded by the whole world and are bringing peoples in the Arab region different material and media messages that may conflict with their beliefs and ideals and their social customs.

14. Lebanon's submission elaborated on the role of the parliament in protection and promotion of human rights. On 10 December 2005, the Lebanese Parliamentary Committee for Human Rights, in cooperation with the United Nations Development Programme, the Office of the High Commissioner for Human Rights, relevant

governmental departments and civil society organizations, officially launched the process that would lead to the establishment of a national plan of action for human rights. The purpose of the plan is to identify the necessary legislative and executive steps for the promotion of respect for human rights in Lebanon.

15. The plan will be based on themes, addressed in a series of priorities that are set out in the international bill of rights. The themes will then be included in the plan in three different sections:

(a) General themes: a general survey of fundamental human rights treaties and conventions and mechanisms and institutions for the protection and promotion of human rights;

(b) Themes relating to civil and political rights: these include fair trials and enforced disappearances, especially in Israel, Lebanon, the Libyan Arab Jamahiriya and the Syrian Arab Republic; penal and prison policies; freedom of opinion, of expression and of the press; the right to privacy; the right to freedom of assembly and of association; equal dignity and equal human rights without discrimination; and the rights of women, children, persons with disabilities and non-Palestinian refugees;

(c) Themes relating to economic, social and cultural rights: these include the right to work and to social security; the right to health and social welfare; the right to education and culture; the right to housing; the right to development; the right to a healthy environment; and the economic, social and cultural rights of Palestinian refugees in Lebanon.

16. In conclusion, Lebanon stated that globalization is a natural result of the advance of liberal capitalism and of technological development. Lebanon submitted that globalization is a reality that cannot be ignored and that it has no option but to acknowledge its existence and to deal with it in a manner that limits its harmful effects and allows Lebanon to benefit from the opportunities that globalization opens up to it. Lebanon stated that it must work hard to improve the level of human development in national economies and to consider its economic security as a priority in its external policies.

17. The National Assembly has a duty to promote and to watch over civil, political, economic and social rights, monitoring the development process and implementation of laws so that the legislature is given the opportunity to strengthen compliance with international human rights treaties and to monitor their implementation. Lebanon stated that this will be achieved in the context of efforts to build the capacities of lawmakers and improve their direct communication with the public, through dialogue and participation in a political process aimed at real development and the creation of a society that enjoys the rights required to enable it to remain strong and stable in the face of the major challenges which most States are confronting in the areas of progress and growth.

## Mexico

[Original: Spanish]
[31 August 2006 and 2 July 2007][1]

1. Mexico stated that it has recognized the universality of human rights by making them fundamental principles of its foreign policy and, through the international instruments that it has ratified, incorporating them into its domestic law. As part of its efforts to create an environment conducive to the full enjoyment of human rights, the Government of Mexico has assumed the firm commitment to respect and uphold human rights, which has become one of the Government's ongoing priority tasks.

2. Mexico noted that globalization is a complex process of structural transformation, with many interdisciplinary aspects, which has an impact on the enjoyment of civil, political, economic, social and cultural rights. In this regard, the Government of Mexico agrees that the international community should endeavour to confront the difficulties associated with globalization and take advantage of the opportunities that this process offers in order to ensure respect for the human rights of all persons.

3. The Ministry of the Interior reiterated its commitment to continue working to promote, encourage and ensure respect for all human rights, through international cooperation and the establishment of national mechanisms and public policies in favour of these objectives, in order to deal with the structural transformations that accompany the phenomenon of globalization.

4. Mexico acknowledged that the current challenge facing the international community is to ensure that globalization benefits everyone and becomes a source of wealth for all inhabitants of the planet. Globalization has the potential to raise income levels in all countries and help to build more just and equitable societies; however, the benefits of globalization have not been equally distributed. The lack of coherence between international trade and financial systems, and between national development strategies and international obligations, has contributed to this result.

5. For this reason, Mexico endorsed the call for greater transparency in the financial, monetary and trading systems at the global level, which will lead to greater balance and help to prevent discrimination against certain nations.

6. Mexico submitted that globalization must have a strong social dimension and be based on shared universal values and respect for human rights and the dignity of individuals; a just, inclusive and democratically controlled globalization that offers opportunities and tangible benefits to all countries and all persons.

7. Further, it stated that the global agenda must take account of the recognition of interdependence, which presupposes the recognition that the economic sphere cannot be separated from the social and political fabric, and that, consequently, in order to grow and prosper, market forces must form part of an order based on broader and more inclusive social values and objectives.

[1] The contribution by the Government of Mexico includes information submitted in response to a request pursuant to General Assembly resolution 60/152 which, due to its late submission, was not included in the report of the Secretary-General in 2006 on this subject (A/61/281).

8. In the light of the foregoing, the Government of Mexico has adopted various social plans and programmes with a view to interrelating economic growth with such human rights as the right to development, the human rights of migrants and the right to non-discrimination.

9. The Government of Mexico agreed that development should be at the centre of the international economic agenda and that coherence between national development strategies and international obligations and commitments is imperative for an enabling environment for development and an inclusive and equitable globalization. The Social Development Department emphasized that the existence of good governance within each country and at the international level is a fundamental element for development and the elimination of poverty.

10. The measures outlined by the Government of Mexico in this regard include:

(a) The National Development Plan 2001-2006: the plan is being carried out within the framework of the current administration's measures to meet basic needs, promote well-being, increase the individual capacities of all Mexicans and reduce poverty, taking into account the concerns of the population, particularly the most disadvantaged segments of the population;

(b) The National Social Development Programme 2001-2006: the programme sets objectives, guidelines, strategies, courses of action and specific tasks and goals that will guide and determine the Federal Government's social policy measures to eliminate poverty;

(c) The Contigo social policy strategy: the strategy seeks to provide essential social benefits to all Mexicans and activate levers that promote human development and trigger economic development. This strategy promotes better coordination among the three levels of government (federal, state and municipal) and fosters a new relationship between the Government and citizens in order to achieve greater efficiency in public and private sector measures in the area of social policy;

(d) The Opportunities Human Development Programme: the programme represents a change in the poverty elimination policy, in that rather than a purely "handout" approach, it transfers income, encourages investment in capacity-building, and thereby increases opportunities for poor families to get ahead through their own efforts;

(e) Increased budgetary expenditure on poverty alleviation: in 2005, the Federal Government authorized resources for poverty alleviation in the amount of 129,408 million pesos, a budget 13.8 per cent higher than that of the previous year. Priority was given to social spending. Mexico also submitted statistics on poverty reduction between 2000 and 2004;

(f) International trade agreements: Mexico has taken measures to enable producers of goods and services to cut their costs and thus make themselves more competitive in the face of growing international competition, including by entering into international trade agreements;

(g) Habitat Programme 2003: the Government launched this programme with a view to eliminating backwardness and social contrasts in the country's cities and metropolitan areas. The main objective of the programme is to reduce urban poverty, improve low-income housing and make cities and their neighbourhoods orderly, safe and liveable, with a historical memory and plans for the future;

(h) The Food Aid Programme seeks to improve the nutritional standards of households living in poverty in marginalized rural areas, which are not receiving the benefits of other food programmes of the Federal Government.

11. The Government of Mexico agreed that migration is a global phenomenon, and also recognized the importance of international, regional and bilateral cooperation and the need to protect human rights of migrants, particularly at a time in which migration flows have increased in the globalized economy.

12. The Government of Mexico recognized the role played by Mexicans living abroad in the promotion of development and the reduction of poverty in their communities of origin. The Government therefore supports migrants and the contribution that they make, together with the different levels of government, to local development and poverty eradication in their communities of origin.

13. Programmes outlined by the Government of Mexico which protect migrants are:

(a) The 3x1 Programme for Migrants: this programme contemplates, among other things, the participation of migrant workers in decision-making and the approval of social projects aimed at enhancing the social and economic development of their communities of origin;

(b) The Programme for Agricultural Day Labourers: the aim of this programme is to improve the living and working conditions of the men and women who make up the agricultural day labourer population, based on comprehensive and timely care through community development, institutional coordination among the three levels of government and agreements among producers, social organizations and the beneficiaries themselves; the Mexican submission also highlighted the details and aims of the programme;

(c) The National Health Programme 2001-2006: the Government of Mexico stated that as Mexico is a country of origin, transit and destination of migration, a comprehensive policy on migrant health is required; it distinguished between internal migrants, namely migrants who move within Mexico following agricultural cycles, and external migrants, namely those Mexicans who migrate to the United States of America. Mexico stated that its "Vete sano, regresa sano" programme of action, included in the National Health Programme 2001-2006, offers a comprehensive package for health maintenance for migrants and their families through information, preventive care and treatment in places of origin, transit and destination of migrants;

(d) National Human Rights Commission health initiatives: Mexico noted that the protection of the right to health is also a matter of concern to the National Human Rights Commission, since it is directly related to the economic factors involved in globalization. The National Human Rights Commission therefore proposes to take appropriate measures, in public health institutions, to guarantee the timely and adequate provision of medicines and medical supplies and services, to study the conditions in which the budget is being spent by government health-care offices, and, to establish the necessary mechanisms to monitor and optimize expenditure;

(e) Fifth Inspectorate-General: established by the National Human Rights Commission in 2005, the Inspectorate-General receives complaints relating to

migration, and seeks to strengthen mechanisms for cooperating with the federal and local authorities in migration matters, as well as with public human rights bodies and non-governmental organizations that deal with migration, including through a number of regional offices in addition to mobile offices (called "ombudsmobiles").

14. International initiatives: Mexico has also taken various actions at an international level to deal with the phenomenon of globalization and to contribute to the full enjoyment of human rights. These include being party to:

(a) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

(b) An inter-agency agreement on cooperation and assistance between the National Human Rights Commission of Mexico and the Office of the Procurator for the Protection of Human Rights of El Salvador (February 2007), with a view to establishing support mechanisms to promote and encourage the validity and effectiveness of the human rights of migrants;

(c) A technical support convention between the National Human Rights Commission of Mexico and the Office of the Procurator for the Protection of Human Rights of Nicaragua (May 2007), pursuant to which both institutions will develop activities aimed at the promotion and protection of migrant rights; Mexico noted that the Head of the National Human Rights Commission has confirmed the need to transfer the migratory phenomenon from the security agenda to the agenda for development and human rights.

15. Other developments outlined by Mexico as relevant to the human rights of migrants were:

(a) The Special General Assembly of the Ibero-American Federation of Ombudsmen, held by the National Human Rights Commission, at which the President of the National Human Rights Commission and the First Vice-President of the Federation, Mr. José Luis Soberanes Fernández, criticized the poor results of the economic growth policies of the Ibero-American Governments, since such policies were not very effective in achieving social development that reduces differences and offers real opportunities for well-being, and regretted that the Ibero-American countries are on a double track: on the one hand, there has been rapid technological progress in the area of communication; on the other, a large segment of their population has been left behind and continues to be subjected to serious violations of their fundamental human rights;

(b) The Human Rights Agenda 2006, presented by the National Human Rights Commission for public scrutiny in April 2006. The agenda contains specific proposals on persons in situations of vulnerability, such as women, children, older people, indigenous communities and migrants;

(c) In 2007 the National Human Rights Commission promoted, in the Senate and Congress, the repeal of Article 123 of Mexico's Population Act which, although it is not applied in practice, establishes as an offence the illegal admission of foreigners to the country, with a view to adapting it to international standards on the subject.

16. The Government of Mexico agreed that globalization should be guided by the fundamental principles that underpin the corpus of human rights, such as non-discrimination. To this end, in May 2006 the National Council on the Prevention of

Discrimination introduced the National Programme on the Prevention and Elimination of Discrimination which has received assistance from the United Nations Office in Mexico in order to bring the Programme into line with international law on non-discrimination.

17. Mexico noted that the Programme provides for a series of public policies to prevent discrimination and promote equal opportunities in the area of health, the general objective of which is to increase prospects for decent treatment, equal treatment and a culture of non-discrimination in Mexico's health services, ensuring that health facilities and services offer quality treatment without discriminating on the basis of ethnic or national origin, sex, age, disability, social or economic status, state of health, pregnancy, language, religion, opinions, sexual preference, civil status or any other attribute, upholding the principle of social inclusion.

18. On 16 May 2006, the National Agreement for Equality and against Discrimination, which is based on the National Programme on the Prevention and Elimination of Discrimination, was made public. The agreement, which is a commitment open to government bodies, academics and civil society in general, seeks to:

(a) Promote a culture of equality and non-discrimination;

(b) Encourage non-discriminatory attitudes and positive and compensatory action in the laws, regulations, agreements, public programmes and budgets;

(c) Incorporate non-discrimination standards in the institutional management of the various spheres of government, as well as of the legislative and the judiciary;

(d) Promote the development of programmes to combat discrimination and in favour of equal treatment and opportunities in the private and social sectors;

(e) Encourage research and debate on topics relating to non-discrimination and social inclusion;

(f) Encourage citizens to participate in building a culture of non-discrimination, in reporting discriminatory actions, and in preparing and following up government programmes;

(g) Promote activities to disseminate information, raise awareness, and build capacities in order to promote coexistence in diversity, respect for differences, and equality as fundamental values of democratic life.

19. The National Human Rights Commission is in favour of affirmative action to end discrimination against disadvantaged groups of persons in Mexico, including women, persons with disabilities, indigenous populations, older people, agricultural day labourers, persons living with HIV/AIDS or persons living with mental illness. As such, the National Human Rights Commission has proposed to incorporate the principle of non-discrimination in all activities of the federal administration.

## Tunisia

[Original: French]
[13 October 2006][2]

1. Tunisia stated that it joined the process of globalization with the intention of benefiting from its advantages while at the same time taking all the necessary measures to avert its negative effects, which hinder the full enjoyment of human rights. It submitted that globalization is a contradictory process that can have either a positive or a negative impact, depending on the specific situation in each country. Tunisia noted that globalization relates not only to the globalization of capital, but also incorporates the globalization of communication, scientific and cultural exchanges, environmental awareness, human and civil rights, economic development and social progress.

2. Tunisia stated that in order to address the concerns of globalization, it has developed a model of a globalization that is equally advantageous for all countries and which creates favourable conditions for the full enjoyment of human rights. Tunisia explained that its proposals seek to lay the foundations for combining state-of-the-art technologies with the principles of tolerance, solidarity, environmental protection, shared development and fair trade, on the basis of universal respect for human rights and in full cooperation with regional and international institutions.

3. Tunisia made the following submissions:

(a) Strengthening the rule of law is a way to protect and promote social benefits: Tunisia expressed its resolute support for a concept of national interest that incorporates the demands of multidimensional international cooperation. It stated that embracing globalization without maintaining and strengthening the foundations of the national State would be to neglect the need for stability and development. It submitted that resolute political will and realistic national strategies are required in order to control employment, improve training and qualifications and integrate people into the job market, and that Tunisia must enhance its resources, particularly its human capacities, if it is to master technological and financial tools, develop research, disseminate knowledge and ensure a fair distribution of the benefits of development. Tunisia pointed to the decline of national sovereignty, and the impact of globalization on territorial integrity, with the opening of borders and the increased and often illegal and dangerous flow of goods, capital and migration around the world. Tunisia also submitted that new forms of economic and social life are undermining traditional values and human rights by introducing new forms of discrimination, exploitation, injustice and even slavery;

(b) Guaranteeing social rights is a reliable indicator of respect for fundamental human rights: Tunisia stated that it has opted for a strategy of global human development that seeks to strike a balance between the economic, social and political dimensions, and has adopted various economic restructuring and liberalization measures with a view to fostering strong economic growth that generates wealth. Tunisia outlined the social policies which it has implemented to ensure the equitable redistribution of the dividends of growth at the national level,

[2] The contribution by the Government of Tunisia was submitted in response to a request pursuant to General Assembly resolution 60/152 which, due to its late submission, was not included in the report of the Secretary-General in 2006 on the subject (A/61/281).

including allocating 80 per cent of the State budget to social, economic and cultural rights (namely education, health, housing, food, social security, vocational training, employment and cultural activities) and promoting extensive progressive cultural and political openness;

(c) Promoting sustainable development is one way of guaranteeing the rights of future generations and preventing the adverse effects of an obsession with productivity: Tunisia stated that its framework for action in the area of development is based on a system of priorities that places the human being at the centre of development, which means reconciling politics and economy, social and environmental issues, production and environmental protection. Tunisia noted that ensuring fundamental human rights by gradually integrating environmental concerns and actions into sector-based and territorial development activities, on the one hand, and achieving, by appropriate means, a fairer distribution of the benefits of economic growth, on the other, constitute an ongoing objective of all its sector-based and regional economic and social development strategies. In this regard, Tunisia highlighted its national and regional Agenda 21 action plans and economic and social development plans;

(d) Dynamic solidarity is an innovative form of integration into globalization with a human face: Tunisia noted that the inequalities between peoples and the injustices that can result from uncontrolled economic globalization undermine the economy, destabilize society and threaten peaceful coexistence and national unity. Tunisia has therefore put in place various mechanisms to counter the negative effects of liberalism and to ensure that all regions and citizens benefit from opportunities created by national economic growth and carefully planned integration into the world economy. Measures highlighted by the Government of Tunisia in this regard include:

(i) The incorporation of the concept of solidarity in the Tunisian Constitution (article 5, paragraph 3);

(ii) The Government's programme to promote solidarity, which has integrated 1,000 towns into the development network;

(iii) The National Solidarity Fund, which has supplied housing, electricity and/or drinking water to over 240,000 impoverished families;

(iv) The Tunisian Solidarity Bank, which, together with the National Solidarity Fund, allocates microcredits to women and young persons who promote microprojects but do not have their own funds or the possibility of obtaining conventional bank loans.

Tunisia submitted that a society based on solidarity is in keeping with a collective, evolving approach that promotes effective participation and a sense of citizenship. Tunisia is of the view that economic globalization must also be accompanied by a globalization of solidarity in order to establish a global dynamic partnership and co-development that would make it possible to bridge the gap between rich and poor countries by involving citizens from all regions of the world in a comprehensive project for shared progress. Tunisia submitted that the economic and social gap separating the peoples of the North from those of the South creates wretched living conditions that may become fertile ground for terrorist acts and give rise to fears that can be exploited by preachers of hatred from various fundamentalist groups. As such, Tunisia stated that globalization with a human face calls for fair measures and

for the implementation of appropriate development strategies designed to create a climate that would make it possible to establish balanced relations among nations, begin a constructive dialogue and develop a viable globalization strategy. In this regard, Tunisia pointed to the World Solidarity Fund, proposed by Tunisia in 1999 and established by the United Nations, which in its view constitutes a realistic means of addressing the challenges of modern times and is in keeping with the Millennium Development Goals.

(e) Supervising multinational corporations is an efficient way to protect human rights: Tunisia submitted that human rights must prevail over international trade law, and that social, cultural and political rights must go hand in hand with economic rights. It stated that all economic stakeholders must be punished when they violate human rights, and that failure to fulfil this obligation would encourage extreme reactions in a context of poverty and terror. Tunisia noted that it has defined legal and political measures to protect social benefits and regulate and control the role of transnational corporations and other enterprises in the field of human rights. These include:

(i) The inclusion of certain clauses in the Agreement between Tunisia and the European Union, concluded on 15 July 1995, which impose respect for all human rights and respect for the moral and material rights of Tunisian and foreign workers employed under the Agreement;

(ii) The inclusion, in the trade agreements to which Tunisia is a party, of specific provisions to guarantee conditions of fair competition for enterprises and workers, including provisions relating to anti-dumping and environmental protection; protection of human health; anticompetitive practices; and sustainable development;

(iii) A code to encourage investment which imposes on Tunisian and foreign investors the obligation to respect the law, and particularly the rules of public order, which include the obligation to respect human rights.

(f) Guarantees of freedom to receive and impart information in the context of the information society: Tunisia emphasised the importance of guaranteeing the freedom to receive and to impart information and of the information and knowledge societies in modern society. It noted, however, that the right to receive and impart information is not unlimited and referred to its Communications Code, which deals with the organization of the communications sector and related services and networks and sets out the rights and obligations of users as well as the legal guarantees accorded to all parties concerned. Tunisia noted that the General Assembly selected Tunisia to host the second stage of the World Summit on the Information Society in 2005, resulting in the Tunis Commitment and the Tunis Agenda for the Information Society. Tunisia explained that the object of these documents is to identify efficient ways of bridging the digital divide and involving the international community in the search for the most appropriate solutions in order to ensure equal development opportunities. Tunisia emphasized the importance of the management of information channels for civil and political rights and the promotion of the right to human development. It also flagged the potential for the management of information channels to serve as a tool of segregation, domination, terrorism or organized transnational crime and a hindrance to the sovereignty of States with the fewest resources;

(g) Promoting a culture of difference does not mean either cultural exclusivity or indiscriminate borrowing from other cultures: Tunisia noted that globalization had led to a blurring of differences between national and international, which has a profound effect on national identities and which results in an often violent quest for identity. For this reason, Tunisia promotes a culture of difference, namely a culture rooted in its authentic heritage and, in particular, in the legacy of enlightened *ijtihad* and Arab Islamic rationalism, whose aim is to develop humanism based on critical and tolerant rationality. Tunisia stated that cultural diversity and the many ways of expressing one's humanity which foster mutual emulation and enrichment must not become obstacles to the development of a culture based on the values of progress, peace and human solidarity. Distinctive identities must always contribute to the embodiment of universal human values. Tunisia emphasized the role that the education system has to play in developing this culture. It stated that promoting a culture of difference means eradicating all forms of hatred, xenophobia and extremism, as well as all forms of alienation and uprootedness and developing, in the pupil-student-citizen, a sense of belonging to a community of individuals who work peacefully together to improve their lives;

(h) The dialogue between cultures is a vehicle for cooperation and solidarity among peoples: Tunisia stated that genuine cooperation among people and cultures consists not only in the exchange of economic goods but also in the establishment of equal terms of trade for dynamic partnership and solidarity that leave no one behind. It emphasized the necessity for a dialogue of cultures (which recognizes the demand for recognition of sovereignty, is based on common convictions and grounded on universal values, and overcomes dichotomy between East and West, North and South), the restoration of balanced relations between States and civil societies, the establishment of cooperation and of an authentic dialogue between nations, of a truly new international order based on the participation of all stakeholders, whose aim is neither to dominate nor to be dominated but to make their contribution to efforts to change the world and humanize international relations. Tunisia proposed that this concept of a dialogue of civilizations and culture should incorporate the following:

(i) A regional and international environment that is more conducive to development because it is based on more balanced relations between States and nations, on strengthening the sovereignty of peoples and their control of political, economic, social and cultural means, and, as a result, on the elimination of the current mechanisms of domination, despoilment and exploitation (trade, debt, etc.) which, by preventing these peoples from making full use of their resources and enjoying the fruits of their labour, ultimately leave them discouraged and apathetic;

(ii) A vigilant and active attitude towards all types of fundamentalism, terrorism and political forces that nurture, sponsor or support terrorism, since there is a risk of confusion that poisons the relations between West and East, the Christian world and the Muslim world, and of a return to the theory of the "clash of civilizations", with all its potential consequences.

(i) Contributing to international efforts to combat illegal immigration: Tunisia stated that international migration poses the double challenge of solidarity and development, and highlights the urgent need to achieve global interdependence based on cooperation among peoples. It stated that migration is a basic component

of a globalization imposed by financial capitalism, dominated by competition and marked by profound and worsening inequalities between and within continents and nations. It noted that poverty, insecurity, underdevelopment and hopelessness as the main reasons that people migrate and highlighted the social and political problems created by mass migration. Tunisia proposed that development is key to solving the problem of migration and that migrants must be treated humanely and as victims and not as criminals. It noted its own problem of illegal or clandestine migration by sea to Europe, which it has tackled by adopting a global strategy based on both prevention and dissuasion, which consists of taking appropriate legal measures and court action. Tunisia has acceded to a number of international instruments on migration, trafficking and transnational organized crime. Tunisia asserted that the ideals of solidarity and co-development among nations must become the new paradigm for international relations at the outset of the twenty-first century, and, in this regard, pointed to the World Solidarity Fund established by President Ben Ali;

(j) Contributing to international efforts to combat terrorism: Tunisia noted that it had proposed a number of initiatives to address the urgent problem of extremism and terrorism faced by the international community. It stated that it has, since 1993, been calling for an international conference on the subject and for the adoption of a code of conduct, with the involvement of all parties. Tunisia is of the view that terrorism can be effectively combated only through respect for the human rights to freedom of action, association and expression in all circumstances, and that efforts to prevent this scourge must be based on more active international cooperation and on a comprehensive, universal legal mechanism for suppressing the financing of terrorism, taking action against perpetrators and denying them a safe haven where they could secretly prepare and carry out terrorist acts or avoid prosecution. In this regard, Tunisia stated that the force of law must prevail over the law of force. Tunisia noted that it has ratified a number of international and regional conventions relating to the fight against terrorism. Tunisia has also outlined the measures adopted to adapt its legal system to the need to combat terrorism;

(k) Contributing to international efforts to combat money-laundering: Tunisia noted its contribution to international efforts to suppress money-laundering, which jeopardizes human rights through its close link to other international crimes such as drug trafficking, trafficking in persons, and terrorism. Tunisia pointed to its domestic legislation to prevent money-laundering, and its Financial Analysis Commission which is responsible for investigating suspicious operations and transactions.

4. In conclusion, Tunisia stated that in the face of increasing global disorder, which is dangerous and harmful for everyone, universal human rights norms constitute a common achievement of all peoples and a means of mobilizing local and international societies to promote dignity, equality and justice.